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LEGISLATIVE HISTORY

Public Law 88-606
H. R. 8070

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U. S. Congress. Senate. Committee on Interior and Insular Affairs.
Public land laws. Hearings before the Subcommittee on Public Lands, 88th Congress, 2nd session, on H. R. 5159, H. R. 5498, and H. R. 8070.
June 29, and 30, 1964. IV+181 p. L8.5 - C88 - H. R. 5959

U. S. Congress. House. Committee on Interior and Insular Affairs.
Public lands review. Hearings before the Subcommittee on Public Lands, 88th Cong.
(Committee hearings) serial no. 11: (1st and 2nd sessions)
Part I: Use and disposal of public lands. Hearings on H. R. 106, H. R. 255, H. R. 5498, and H. R. 5159. May 9, 10, and 13, July 11 and 12, August 1 and 2, 1963. IV+277 p. L8.5-C88-H. R. 106
Part II: Public Land Law Review Commission. Hearings on H. R. 8070, H. R. 8071, H. R. 8072, and H. R. 8073 (and) H. J. Res. 52. September 9-Oct. 4, 1963. IV+224 p.
Part III: Notification procedure pending Public Land Law Review Commission report. Hearings on H. R. 8305 and H. R. 8405. February 3, 1964. III+84 p.
L8.5-C88-HR.8305

*Not in
200 in
but it is in
282-12
in 332 P*

INDEX AND SUMMARY OF H. R. 8070

Aug. 14, 1963 Rep. Aspinall introduced H. R. 8070 which was referred to Interior and Insular Affairs Committee. Print of bill as introduced.

Nov. 18, 1963 House subcommittee ordered H. R. 8070 reported.

Dec. 4, 1963 House committee voted to report H. R. 8070.

Dec. 7, 1963 House committee reported H. R. 8070 with amendment. H. Report No. 1008. Print of bill and report.

Feb. 25, 1964 House Rules Committee voted to report resolution for consideration of H. R. 8070.

Feb. 27, 1964 Rules Committee reported resolution for consideration of H. R. 8070. H. Res. 642, H. Report No. 1158. Print of resolution and report.

Mar. 10, 1964 House passed H. R. 8070 as reported.

Mar. 11, 1964 H. R. 8070 was referred to the Senate Interior and Insular Affairs Committee. Print of bill as referred.

July 27, 1964 Senate subcommittee approved H. R. 8070.

July 31, 1964 Senate committee voted to report H. R. 8070.

Aug. 15, 1964 Senate committee reported H. R. 8070 with amendments. S. Report No. 1444. Print of bill and report.

Sept. 3, 1964 Senate passed H. R. 8070 with amendments.

Sept. 4, 1964 House concurred in Senate amendments to H. R. 8070.

Sept. 19, 1964 Approved: Public Law 88-606.

← **Hearings:** House committee - Part 2 of H. R. 106;
also H. R. 5159.

DIGEST OF PUBLIC LAW 88-606

PUBLIC LAND LAW REVIEW COMMISSION.

Establishes a Public Land Law Review Commission to study the existing statutes and regulations governing the retention, management, and disposition of the public lands; review the policies and practices of Federal agencies insofar as they relate to the retention, management, and disposition of the public lands; compile data to understand and determine the present and future demands on the public lands; and recommend modifications in existing laws, regulations, policies, and practices. The Commission will be composed of nineteen members--six from the Senate Interior and Insular Affairs Committee, to be appointed by the President of the Senate; six from the House Interior and Insular Affairs Committee, to be appointed by the Speaker of the House; six from outside the Federal Government, to be appointed by the President; and one, elected by the other eighteen members, to be Chairman of the Commission. Provides for liaison officers to be appointed by each Federal department and agency concerned with the retention, management, or disposition of public lands. Establishes an Advisory Council composed of the liaison officers and 25 additional members representative of various interests to be appointed by the Commission. Provides that the Commission shall submit to the President and the Congress its final report not later than December 31, 1968. Authorizes the appropriation of not to exceed \$4 million for the work of the Commission.

88TH CONGRESS
1ST SESSION

H. R. 8070

88TH CONGRESS
1ST SESSION

H. R. 8070

IN THE HOUSE OF REPRESENTATIVES

AUGUST 14, 1963

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

For the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That—

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of

1 the House Committee on Interior and Insular Affairs to
2 be appointed by the Speaker of the House of Repre-
3 sentatives;

4 (iii) Six persons from the executive branch of the
5 Government to be appointed by the President of the
6 United States; and

7 (iv) One person, elected by majority vote of the
8 other eighteen, who shall be the Chairman of the Com-
9 mission.

10 (c) Any vacancy which may occur on the Commission
11 shall not affect its powers or functions but shall be filled in the
12 same manner in which the original appointment was made.

13 (d) The organization meeting of the Commission shall
14 be held at such time and place as may be specified in a call
15 issued jointly by the senior member appointed by the Presi-
16 dent of the Senate and the senior member appointed by the
17 Speaker of the House of Representatives.

18 (e) Ten members of the Commission shall constitute a
19 quorum, but a smaller number, as determined by the Com-
20 mission, may conduct hearings.

21 (f) The Commission members, except the Chairman,
22 shall serve without any compensation in addition to their
23 regular salary, but each member shall be entitled to reim-

1 bursement for travel and subsistence expenses incurred in
2 the service of the Commission when engaged in Commission
3 business.

4 DUTIES OF THE COMMISSION

5 SEC. 4. (a) The Commission shall (i) study existing
6 statutes and regulations governing the retention, manage-
7 ment, and disposition of the public lands; (ii) review the
8 policies and practices of the Federal agencies charged with
9 administrative jurisdiction over such lands insofar as such
10 policies and practices relate to the retention, management,
11 and disposition of those lands; (iii) compile data necessary
12 to understand and determine the various demands on the
13 public lands which now exist and which are likely to exist
14 within the foreseeable future; and (iv) recommend such
15 modifications in existing laws, regulations, policies, and
16 practices as will, in the judgment of the Commission, best
17 serve to carry out the policy set forth in section 1 of this
18 Act.

19 (b) The Commission shall, not later than December
20 31, 1967, submit to the President and the Congress its
21 final report. It shall cease to exist six months after sub-
22 mission of said report or on June 30, 1968, whichever is
23 earlier. All records and papers of the Commission shall

1 thereupon be delivered to the Administrator of the General
2 Services Administration for deposit in the Archives of the
3 United States.

4 DEPARTMENTAL LIAISON OFFICERS

5 SEC. 5. The Commission shall request the head of
6 each Federal department or independent agency which has
7 an interest in or responsibility with respect to the retention,
8 management, or disposition of the public lands to appoint,
9 and the head of such department or agency shall appoint,
10 a liaison officer who shall work closely with the Commission
11 and its staff in matters pertaining to this Act.

12 ADVISORY COUNCIL

13 SEC. 6. (a) There is hereby established an advisory
14 council, which shall consist of the liaison officers appointed
15 under section 5 of this Act, together with 25 additional
16 members appointed by the Commission who shall be rep-
17 resentative of the various major citizens' groups interested
18 in problems relating to the retention, management, and
19 disposition of the public lands, including the following:
20 Organizations representative of State and local government,
21 private organizations working in the field of public land
22 management and outdoor recreation resources and oppor-
23 tunities, landowners, forestry interests, livestock interests,

1 mining interests, oil and gas interests, commercial and sport
2 fishing interests, commercial outdoor recreation interests,
3 industry, education, labor, and public utilities.

4 (b) The advisory council shall advise and counsel the
5 Commission concerning matters within the jurisdiction of
6 the Commission.

7 (c) Members of the advisory council shall serve with-
8 out compensation, but shall be entitled to reimbursement
9 for actual travel and subsistence expenses incurred in attend-
10 ing meetings of the council called or approved by the
11 Chairman of the Commission or in carrying out duties
12 assigned by the Commission or its Chairman.

13 (d) The Chairman of the Commission shall call an
14 organization meeting of the advisory council as soon as
15 practicable, a meeting of such council each six months
16 thereafter, and a final meeting prior to approval of the final
17 report by the Commission.

18 GOVERNORS' REPRESENTATIVES

19 SEC. 7. Congress invites the Governor of each State to
20 designate a representative to work closely with the Com-
21 mission and its staff and with the advisory council in matters
22 pertaining to this Act.

23 POWERS OF THE COMMISSION

24 SEC. 8. (a) The Commission or, on authorization of the
25 Commission, any committee thereof may, for the purpose of

1 carrying out the provisions of this Act, hold such hearings
2 and sit and act at such times and places, administer such
3 oaths, and require by subpoena or otherwise, the attendance
4 and testimony of such witnesses and the production of such
5 books, records, correspondence, memorandums, papers, and
6 documents, as the Commission or such subcommittee or mem-
7 ber may deem advisable. Subpenas may be issued under
8 the signature of the Chairman of the Commission, or such
9 committee or any duly designated member, and may be
10 served by any person designated by such Chairman or mem-
11 ber. The provisions of sections 102-104, inclusive, of the
12 Revised Statutes (2 U.S.C. 192-194) shall apply in case of
13 any failure of any witness to comply with any subpoena or
14 testimony when summoned under this section.

15 (b) The Commission is authorized to secure from any
16 department, agency, or individual instrumentality of the
17 executive branch of the Government any information it
18 deems necessary to carry out its functions under this Act and
19 each such department, agency, and instrumentality is author-
20 ized and directed to furnish such information to the Commis-
21 sion upon request made by the Chairman or the Vice Chair-
22 man when acting as Chairman.

23 APPROPRIATIONS, EXPENSES, AND PERSONNEL

24 SEC. 9. (a) There are hereby authorized to be appro-
25 priated such sums, but not more than \$4,000,000, as may be

1 necessary to carry out the provisions of this Act and such
2 moneys as may be appropriated shall be available to the
3 Commission until expended.

4 (b) The Commission is authorized, without regard to
5 the civil service laws and regulations and without regard
6 to the Classification Act of 1949, as amended, to fix the
7 compensation of its Chairman and appoint and fix the
8 compensation of its staff director, and such additional per-
9 sonnel as may be necessary to enable it to carry out its
10 functions except that any Federal employees subject to the
11 civil service laws and regulations who may be employed
12 by the Commission shall retain civil service status without
13 interruption or loss of status or privilege.

14 (c) The Commission is authorized to enter into con-
15 tracts or agreements for studies and surveys with public
16 and private organizations and, if necessary, to transfer funds
17 to Federal agencies from sums appropriated pursuant to
18 this Act to carry out such aspects of the review as the Com-
19 mission determines can best be carried out in that manner.

20 (d) Service of an individual as a member of the Ad-
21 visory Council, as the representative of a Governor, or em-
22 ployment by the Commission of an attorney or expert in
23 any job or professional field on a part-time or full-time basis
24 with or without compensation shall not be considered as

1 service or employment bringing such individuals within the
2 provisions of the Act of October 23, 1962 (76 Stat. 1126).

3 DEFINITION OF "PUBLIC LANDS"

4 SEC. 10. As used in this Act, the term "public lands"
5 includes (a) the public domain of the United States, (b)
6 reservations, other than Indian reservations, created from the
7 public domain, (c) lands permanently or temporarily with-
8 drawn, reserved, or withheld from private appropriation
9 and disposal under the public land laws, including the mining
10 laws, and (d) the surface and subsurface resources of all
11 such lands.

A BILL

For the establishment of a Public Land Law
Review Commission to study existing laws
and procedures relating to the administra-
tion of the public lands of the United States,
and for other purposes.

By Mr. ASPINALL

August 14, 1963

Referred to the Committee on Interior and Insular
Affairs

Nov 18, 1963

6. FOREIGN AID House conferees were appointed on H. R. 7885, the foreign aid authorization bill (p. 20958). Senate conferees have been appointed.
7. WATER RESOURCES. Passed, 283-30, under suspension of the rules, H. R. 8135, providing for establishment and administration of public recreational facilities at Sanford Reservoir Area, Canadian River Project, Tex. pp. 20942-4
At the request of Rep. Pelly, passed over S. J. Res. 17, to designate the lake to be formed by the waters impounded by the Flaming Gorge Dam, Utah, as "Lake O'Mahoney" p. 20936
8. AREA DEVELOPMENT. Re. Hechler said a recent DuPont installation will help the W. Va. economy. pp. 20969-70
9. ELECTRIFICATION. Rep. Cannon commended the work of John M. Carmody as former REA Administrator. p. 20958
10. FOOD DISTRIBUTION. Rep. Wharton recommended distribution to the needy of food that is spoiling in the Safeway warehouses during the current strike. p.20931
11. PUBLIC LANDS. The Public Lands Subcommittee of the Interior and Insular Affairs Committee ordered reported favorably to the full Committee H. R. 8070, amended, to establish a Public Land Law Review Commission. p. D907

SENATE

12. FOREIGN TRADE. Sen. Proxmire criticized the Maritime Administration for authorizing the shipment in foreign vessels of corn to Hungary and voiced opposition to any grain shipments to the Soviet bloc. pp. 20976-7
Sen. Mundt submitted an amendment to S. 2310, his bill to prohibit any Government agency from guaranteeing payment of obligations of Communist countries, especially affecting shipments of wheat to Russia. p. 20975
13. FARM INCOME. Sen. McGovern blamed the decline in livestock prices for the farm-income decline this year, urged limitations on the importation of meat, and urged the adoption of a new wheat program applicable to the 1964 crop. pp. 21146-7
14. FARM STORAGE. Sen. McGovern voiced opposition to any future plans to end the reseal programs of surplus grains in storage. pp. 21162-4
15. FARM LABOR. Sens. Humphrey and Williams (N.J.) discussed the public accommodations provision of the Mexican farm labor program. pp. 21165-7
16. APPROPRIATIONS. H. R. 8747, the independent offices appropriation bill for 1964, was made the unfinished business (p. 21146). Sens. Proxmire and Fulbright submitted amendments to the bill. p. 20975
Passed with amendments H. R. 7431, the D.C. appropriation bill, 1964.
Senate conferees were appointed. pp. 20980-21126, 21137-8, 21144-6
17. EDUCATION. Additional cosponsors were added to S. 2304, to extend assistance for schools in areas affected by Federal activities for 3 years. p. 20975
18. FOREIGN AID. Sen. Humphrey inserted his USDA Graduate School lecture, "Public Administration in the Developing Countries: The U.S. Approach." pp. 21161-2

19. ELECTRIFICATION. Sen. Randolph criticized the "efforts being made by the Atomic Energy Commission to bring about the development of a civilian nuclear power industry." pp. 21147-50
20. FOOD AND DRUG ADMINISTRATION. Sen. Humphrey complimented the recent reorganization of this agency and inserted the press release concerning it, which includes a new Bureau of Scientific Research and a Bureau of Scientific Standards and Evaluation, designated to handle safety clearance functions in regard to pesticides and food additives, and also includes a consumer education branch. pp. 21163-5
21. LEGISLATIVE PROGRAM. Sen. Mansfield announced that when the Senate completes action on the independent offices appropriation bill it will consider S. 432 and H. R. 6518, the Federal air pollution control program bills, and S. 1309, to amend and extend the Small Business Act. He also announced that on Wed. Nov. 20, the Mexican farm labor bill will be considered and "sometime after Wed." the legislative branch appropriation bill. pp. 21128-9

ITEMS IN APPENDIX

22. FOREIGN AID. Extension of remarks of Rep. Evins inserting an article urging a reappraisal of certain foreign aid programs. A7101
Extension of remarks of Rep. Cohelan favoring foreign aid as a producer of more than half a million jobs and inserting an article on this subject. pp. A7121-2
23. COTTON. Extension of remarks of Rep. Findley stating that few bills before this Congress have received "such unfavorable publicity" as the Cooley cotton bill and inserting an article on this subject. p. A7102
24. BEEF IMPORTS. Extension of remarks of Rep. Berry inserting a speech by the president of the S. Dak. Stockgrowers Association "containing facts, figures, and information on beef imports..." pp. A7103-4
25. FORESTS. Extension of remarks of Rep. Johnson (Calif.) commending and inserting Edward P. Cliff's speech, "The Outlook for Timber Resources." pp. A7104-5
26. ECONOMICS. Extension of remarks of Sen. Byrd inserting an article commenting on an address by Dr. Raymond Saulnier and discussing the "subject of sound expansion based on economic policies." pp. A7105-6
27. INFORMATION; MARKET NEWS. Extension of remarks of Rep. Findley stating that "the right of the USDA's market wire service to compete against an existing private news wire has been defended by Assistant Secretary of Agriculture George L. Mehren" and inserting Mr. Mehren's statement and the Journal of Commerce's reply. pp. A7109-10
28. ELECTRIFICATION. Extension of remarks of Rep. Evins inserting his newsletter commending TVA programs. p. A7111
29. PUBLIC WORKS. Extension of remarks of Rep. Norblad inserting an article favoring abolishment of the accelerated public works program. p. A7122

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Dec. 5, 1963
For actions of Dec. 4, 1963
88th-1st; No. 197

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HIGHLIGHTS: Senate agreed to House amendment to Mexican farm labor bill. Senate passed water resources council bill. Senate committees reported bills to provide agricultural services to Guam and provide annual National Farmers Week. Sen. Humphrey spoke in support of Talmadge-Humphrey cotton bill. House passed Cooley cotton bill. House committee voted to report Public Land Law Review Commission bill. Sen. Young, N. Dak., and Rep. Andrews introduced and discussed wheat bills. Sen. Williams, N. J., introduced and discussed bill to strengthen and improve Soil Conservation Service programs.

HOUSE

1. COTTON. By a vote of 216 to 182, passed with amendments H. R. 6196, the Cooley cotton bill. (pp. 22159-22210)

Agreed to the following amendments:

All committee amendments. pp. 22181, 22194-7
By Rep. Jones (Mo.), 102 to 90, to remove the provision that payment-in-kind certificates "shall be made to persons other than producers in an amount as will make upland cotton produced in the U.S. available for domestic use at a price which is not in excess of the price at which such cotton is made available for export." pp. 22181-5

By Rep. McIntire, 57 to 94, to repeal the present discretionary authority to set upland cotton price supports from 65 to 90 percent of parity, establish a statutory ceiling on the level of price supports for the production in excess of 15 bales on upland cotton, and provides that "beginning with the 1965 crop, price supports could be lowered below the statutory ceilings under a cost of production formula reflecting the research efforts" of USDA. pp. 22197-22200

By Rep. Cooley, to correct subsection lettering. pp. 22206-7

Rejected the following amendments:

By Rep. Jones (Mo.), 53 to 112, to amend the committee amendment providing that "the export acres could not go into effect until the national cotton allotment reached 17 million acres" which would now permit, under this amendment, "the export acres to be grown without any cost to the Government" and "it does not add to the national allotment." pp. 22194-7

By Rep. Hoeven, 122 to 184, which would eliminate everything in the bill except the McIntire amendment and the research section. pp. 22186-94

By Rep. Quie, 57 to 94, to provide that direct payments go to the producers. pp. 22200-1

By Rep. Grant, a substitute bill which would prevent discrimination against the domestic users of upland cotton and would authorize a special research program designed to reduce the cost of producing upland cotton. p. 22207

An amendment by Rep. Dole, providing a revised price-support and conservation program for wheat, corn, grain sorghum, barley, and at the Secretary's discretion, oats and rye, was ruled out of order as not being germane. pp. 22201-5

For other items of interest pertaining to this bill see Digest 86.

2. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the U.S. p. D956

The Interior and Insular Affairs Committee reported without amendment H. R. 8970, to revise the procedures established by the Hawaii Statehood Act for the conveyance of certain lands to Hawaii (H. Rept. 972). p. 22222

3. CIVIL RIGHTS. Rep. Celler announced that he would file a discharge petition on Mon., Dec. 9, to discharge the Rules Committee from consideration of H. R. 7152, the civil rights bill. p. 22158
4. STOCKPILING. Received from the Office of Emergency Planning the semi-annual report on the strategic and critical materials stockpiling program for Jan. 1 to June 30, 1963. p. 22222
5. RECREATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) without amendment H. R. 4010, to provide an adequate basis for administration of the Lake Mead National Recreation Area, Ariz. and Nev. p. D956
6. LEGISLATIVE PROGRAM. Rep. Albert announced that the House would meet on Sat., Dec. 7. p. 22214

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
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Issued Dec. 10, 1963
For actions of Dec. 7 & 9, 1963
88th-1st; Nos. 200
and 201

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		Wheat.....8,9,25

HIGHLIGHTS: Senate passed public works appropriation bill. Senate considered conference report on foreign aid authorization bill. Sen. Talmadge urged enactment of Talmadge-Humphrey cotton bill. Sen. Hruska spoke in support of restrictions on beef imports. Sen. McGovern urged enactment of voluntary wheat certificate legislation. Sen. Anderson and others commended recent enactment of water resources legislation. Sen. Proxmire urged concessions from Russia for any sale of grains. House agreed to conference report on foreign aid authorization bill.

HOUSE - Dec. 7

1. LANDS; LAW. The Interior and Insular Affairs Committee reported with amendment H. R. 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the U.S. (H. Rept. 1008). p. 22783

2. ADJOURNED until Mon., Dec. 9. p. 22783

SENATE - Dec. 9

3. PUBLIC WORKS APPROPRIATION BILL, 1964. Passed with amendments this bill, H. R. 9140 (pp. 22674-702). Conferees were appointed (p. 22702). Agreed to the committee amendments en bloc (p. 22682). Rejected an amendment by Sen. Hruska

to strike out the \$45 million for the accelerated public works program (pp. 22639-90). Rejected, 74 to 0, an amendment by Sen. Proxmire to provide that no funds for the Glen Elder project shall be used for irrigation purposes. Sen. Proxmire expressed concern that the additional irrigated lands would add to the feed grains surplus (pp. 22693-4).

As passed, the bill includes \$45 million for the public works acceleration program. The committee report states that it is contemplated that \$28,200,000 of this amount will be allocated to this Department. The committee report includes the following statements regarding comprehensive river basin studies:

"Although the committee supports the concept of comprehensive planning in the development of water and land resources for the long-range public good, it is appalled at the increase in the estimated costs of these studies and desires that the Bureau of the Budget, in cooperation with the various departments involved, reevaluate the cost and the degree of refinement contemplated for these comprehensive basin studies."

"In the opinion of the committee, the cost of providing studies, of the scope presently proposed, for the rest of the country, is so staggering that it will require adoption of one of the following basic sources of action:

(a) determination on the part of the Bureau of the Budget to recommend major increases in the amounts requested for all phases of water resource development, accompanied by an accelerated expansion of personnel in each bureau; (b) a major revision of the timetable previously approved for the accomplishment of the comprehensive studies, together with the establishment of some sort of priority system whereby certain river basins will be told they must wait 5, 10, 15 or 20 years for their survey; or (c) a change in the concept as to the details required for these comprehensive studies."

4. FOREIGN AID. Began consideration of the conference report on H. R. 7885, the foreign aid authorization bill. Sen. Morse termed the report "a shocking one which should be returned to conference." p. 22708
5. COTTON. Sen. Talmadge spoke in support of the Talmadge-Humphrey cotton bill, expressed his "earnest hope that this bill can be substituted for the one passed by the other body," and inserted several items in support of his position. pp. 22672-3
6. BEEF IMPORTS. Sen. Hruska noted that beef and cattle are among the items listed for possible duty reductions during forthcoming tariff negotiations, stated that "it is ridiculous even to consider additional reductions in the tariff rates on cattle and beef," and inserted several items in support of his position. pp. 22666-70
7. WATER RESOURCES. Several Senators commended recent enactments of water resources legislation, and Sen. Anderson expressed gratification that the Senate has completed enactment of bills to "implement all of the major recommendations of the Select Committee on National Water Resources." pp. 22661-3
8. FOREIGN TRADE; GRAINS. Sen. Proxmire noted failures in Soviet agriculture, stated that "no wheat or other grain transactions should be made with the Soviet Union unless substantial concessions are obtained in return from the Soviet Union," and inserted an article, "A Red Crisis in Topsoil." pp. 22655-
9. WHEAT. Sen. McGovern urged enactment of voluntary wheat certificate legislation "in advance of spring planting," and expressed pleasure that "four additional State Wheat Growers Associations last weekend endorsed the voluntary certificate approach." pp. 22665-6

ESTABLISHMENT OF PUBLIC LAND LAW REVIEW COMMISSION

DECEMBER 7, 1963.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. BARING, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H.R. 8070]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That—

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

2 ESTABLISHMENT OF PUBLIC LAND LAW REVIEW COMMISSION

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to be appointed by the Speaker of the House of Representatives;

(iii) Six persons to be appointed by the President of the United States from among persons who at the time appointment is to be made hereunder are not, and within a period of one year immediately preceeding that time have not been, officers or employees of the United States; but, the foregoing or any other provision of law notwithstanding, there may be appointed, under this paragraph, any person who is retained, designated, appointed, or employed by any instrumentality of the executive branch of the Government or by any independent agency of the United States to perform, with or without compensation, temporary duties on either a full-time or intermittent basis for not to exceed one hundred and thirty days during any preiod of three hundred and sixty-five consecutive days; and

(iv) One person, elected by majority vote of the other eighteen, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Ten members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The members appointed by the President shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall (i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future; and (iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy set forth in section 1 of this Act.

(b) The Commission shall, not later than December 31, 1967, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report or on June 30, 1968, whichever is earlier. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

DEPARTMENTAL LIAISON OFFICERS

SEC. 5. The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public

lands to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act.

ADVISORY COUNCIL

SEC. 6. (a) There is hereby established an advisory council, which shall consist of the liaison officers appointed under section 5 of this Act, together with 25 additional members appointed by the Commission who shall be representative of the various major citizen's groups interested in problems relating to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education, labor, and public utilities. Any vacancy occurring on the Advisory Council shall be filled in the same manner as the original appointment.

(b) The advisory council shall advise and counsel the Commission concerning matters within the jurisdiction of the Commission.

(c) Members of the advisory council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

(d) The Chairman of the Commission shall call an organization meeting of the advisory council as soon as practicable, a meeting of such council each six months thereafter, and a final meeting prior to approval of the final report by the Commission.

GOVERNOR'S REPRESENTATIVES

SEC. 7. The Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and its staff and with the advisory council in matters pertaining to this Act.

POWERS OF THE COMMISSION

SEC. 8. (a) The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matters which would require the presence of the parties subpoenaed at a hearing to be held outside of the State wherein the witness is found or resides or transacts business.

A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 102-104, inclusive, of the Revised Statutes (2 U.S.C. 192-194) shall apply in case of any failure of any witness to comply with any subpoena or testimony when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any governmental agency production of any materials which have theretofore been submitted to a government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held confidential by the Commission.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 9. (a) There are hereby authorized to be appropriated such sums, but not more than \$4,000,000, as may be necessary to carry out the provisions of this Act and such moneys as may be appropriated shall be available to the Commission until expended.

4 ESTABLISHMENT OF PUBLIC LAND LAW REVIEW COMMISSION

(b) The Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act of 1949, as amended, to fix the compensation of its Chairman and appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions except that any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this Act to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

DEFINITION OF "PUBLIC LANDS"

SEC. 10. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, and (f) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.

OTHER BILLS CONSIDERED

In addition to H.R. 8070, introduced by Congressman Aspinall, the committee also considered companion bills introduced by Congressman Baring (H.R. 8071), Congressman Kyl (H.R. 8072), and Congressman Udall (H.R. 8073), and a joint resolution (H.J. Res. 52), introduced by Congressman Rhodes of Arizona, proposing the establishment of a commission to study the nonmineral public land laws.

PURPOSE AND BACKGROUND

Enactment of H.R. 8070 will permit a comprehensive review of the policies applicable to the use, management, and disposition of the public domain lands of the United States. The first public domain of the United States was created when the original 13 States ceded to the Federal Government lands westward to the Mississippi River as part of the compromises attendant upon the formation of the Union and the adoption of the Constitution.

The Constitution itself provides in article IV, section 3, clause 2:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

Disposal policy

From the beginning, Congress followed a policy of disposing of the public lands. Land was plentiful; it was sold to raise revenue and at the same time it was used to pay our soldiers and to reward our heroes.

In the Homestead Act of 1862 and the mining laws of 1866 and 1872, along with several acts of that day of lesser applicability, the Congress

adopted the policy of permitting the developers of land to obtain title thereto with little or no monetary payment to the United States. The land-grant college system was established on this principal. The United States entered an era that saw the West developed.

It has been commonplace for many years to say that the "good" agricultural lands have long since been settled; and that the "easily found" minerals have been discovered and developed. The inference of these truisms is that the public land laws must be examined to ascertain whether they serve the changed conditions.

The most recent public land law is the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), which starts with the proclamation:

In order to promote the highest use of the public lands pending its final disposal * * *.

The Taylor Act provided for the establishment of grazing districts, for the use of grazing land, and for the classification of our vacant public lands before title could be transferred under any of the disposition laws. The 1934 act, aside from stabilizing the distressed cattle and sheep industries, may be considered to have been a holding action insofar as public land use is concerned. Congress, in recognition of the underlying policy that had been followed until that time, prefaced its grant of authority to the Secretary of the Interior by the statement quoted above regarding interim use of the public lands, "pending its final disposal." At the same time Congress recognized that the vacant public lands could no longer all be kept open for appropriation and settlement.

The one exception was the mining law. Locations and entries under the mining laws were specifically permitted without regard to the classification of the lands. Nonetheless, the Secretary of the Interior has withdrawn from the operation of the mining laws millions of acres of public lands without express statutory authority therefor.

It is also well to note at this time that the acquisition of the public domain, which had started in 1781 with State cessions, was completed in 1867 with the purchase of Alaska, with the last acquisition within the area now constituting the Southern 48 States having been accomplished in 1853. In other words, Alaska and the acquisition of land through exchange aside, there have been only reductions in the public lands for 110 years.

We should also take note at this time that in 1872 the Congress passed an act creating the Yellowstone National Park and thereby established the principle that some of our public lands should be set aside and retained for future generations. The act of March 3, 1891 (26 Stat. 1103), authorized the President to reserve suitable lands as national forests.¹

Another landmark statute is the act of June 8, 1906 (34 Stat. 225) which authorizes the President to set aside, as national monuments, lands containing objects of historic interest. In the meantime Congress, by individual acts, had established certain national parks and by the act of August 25, 1916 (39 Stat. 535), established the National Park Service to administer the national parks and monuments.

Despite the fact that, statutorily, the policy of the United States envisions ultimate disposal of the public lands unless specifically

¹ The act of June 25, 1910 (36 Stat. 847) prohibits additions to forests established theretofore or the creation of new forests in California, Oregon, Washington, Idaho, Montana, Colorado, and Wyoming.

directed otherwise by the Congress, President John F. Kennedy pointed up the gaps in existing law when he stated, in a letter to the chairman of this committee dated January 17, 1963:

My predecessors have been acutely aware of the dilemmas facing the Secretaries of Agriculture and Interior as principal administrators of the original public domain. Whenever they have been faced with a reasonable alternative of continued public ownership and management, or disposition, they have generally elected the former.

The committee does not mean to infer that the executive branch has not sought new legislation. Quite the contrary is true. Since the 80th Congress this committee has been engaged in a continuing study of proposed basic changes in the public land laws. Many of these proposed changes have been submitted by executive communication, others were initiated by individual members.

In the 81st Congress this committee recommended and the House of Representatives passed a bill (H.R. 3576) submitted by an executive communication for the purpose of repealing certain obsolete public lands sales laws; action was not completed on the bill.

A Special House Subcommittee on Revision of the Public Land Laws in the 82d Congress reported (H. Rept. 2511) in December 1952 its conclusion that there was a need to revise the public land laws. Its recommendation that the study be continued was not implemented in the 83d Congress. The Subcommittee on Public Lands, however, held hearings on 5 days on legislation for the revision of the public land laws "to provide for orderly use."

During the 84th Congress attention was again given to public use of the public domain. No broad disposition bills were enacted. Legislation was passed providing for the multiple use of mining claims (act of July 23, 1955, Public Law 167, 84th Cong.). In addition, the House passed a bill requiring defense withdrawals in excess of 5,000 acres to be accomplished by act of Congress.

The defense withdrawal bill became law in the 85th Congress (act of February 28, 1958, Public Law 85-337). Thereafter in the 85th and again in the 86th Congresses the emphasis was on seeking legislation whereby public lands could be made available for sale for residential, commercial, and industrial development. Lengthy hearings were held and considerable consideration given to the legislation; but no final action was taken.

In the 87th Congress the Secretary of the Interior recommended several pieces of legislation to govern the disposal of public lands involving proposed repeal of many of our basic land laws. After hearings had been held on these proposals it became clear to the committee that no one proposal could be considered in a vacuum without also considering other proposals and all of the competing demands for the use of the public lands.

During the 88th Congress among the proposals submitted by the Secretary of the Interior are bills to (1) grant broad sales authority to the Secretary of the Interior; (2) broaden the exchange authority of the Secretary of the Interior; and (3) consolidate and "simplify" the laws governing the grant of easements across public lands.

Deficiencies in existing public land laws

The committee does not rely on the pendency of legislation as an indicator of deficiencies or inadequacies found in existing statutes. The hearings conducted by this committee's Subcommittee on Public Lands demonstrated conclusively that there are several such deficiencies or inadequacies:

1. The principal difficulty is the failure of Congress to provide for the Secretary of the Interior legislative guidelines by which the executive department can make determinations between competing demands for the same piece of land. The fact of the matter is that, although there is no general statute permitting retention of lands, a Secretary of the Interior so oriented could, by failure to classify lands as suitable for disposition, provide for their retention. And the requirement of the Taylor Grazing Act that the public lands remain open to location and entry under the mining laws could likewise become meaningless through administrative determinations under the mining laws.

2. Another situation examined by the subcommittee involved the termination of grazing permits granted under the Taylor Grazing Act. Because of the widespread demand for the use of public domain lands in our buildup for World War II, the act of July 9, 1942 (56 Stat. 654), provided that whenever grazing permits were terminated because of defense utilization, the permittee or licensee would be paid for all his losses. However, there is no general law to permit similar payment of losses in situations where land is taken for other public use.

3. The presence on the statute books of such acts as the Desert Land Entry Act invites people to spend time and money in an endeavor that may be foredoomed because of changed conditions or, in any event, the absolute discretion placed in the Secretary of the Interior to classify the lands as being suitable for such purpose before they can be opened to entry.

4. Although many western communities cannot expand without utilizing public lands, there is no general authority on the statute books whereby lands can be made available for such purpose. Accordingly, it has been necessary for the committee to consider and act on individual bills authorizing the sale of land to individual communities. Similarly, there is no general authority whereby lands can be made available for necessary private development of residential, commercial, and industrial facilities.

5. In 1926 Congress enacted the Recreation and Public Purposes Act to encourage local and State agencies and nonprofit private organizations to obtain public lands for recreational development. Nonetheless, many lands that should be developed for recreational purposes apparently cannot be transferred to non-Federal ownership. While the alternative would seem to indicate that the lands should be retained by the United States, there is no general statutory authority for the retention of public lands for Federal recreational development.

No purpose would be served by listing other acts and actions requiring review. The committee has concluded that only by reviewing all the public land laws can we hope to frame legislation that will satisfy the requirements of the 1960's.

Extent of public lands

Bureau of Land Management statistics indicate that there are approximately 438 million acres of public lands that have not been committed to specific use; of the total 271 million acres are in Alaska and 167 million acres are in the continental United States.

The so-called vacant public lands that have not been committed for a specific use either by statute or regulation pursuant to statute, while distributed among 28 States, are primarily concentrated in the 11 Western States comprising the 8 Mountain States and the 3 continental Pacific States. The eight Mountain States are Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada; the three Pacific States are Washington, Oregon, and California.

The impact of all public lands, whether committed or uncommitted, on the economy of these 11 Western States can be recognized readily when we consider the following pertinent facts:

1. Statistics compiled by General Services Administration in its inventory report on real property owned by the United States show that 48.1 percent of the total land area in the 11 Western States is owned by the Federal Government. The percentages range from 86.9 percent owned by the Federal Government in the State of Nevada to 29.5 percent in the State of Washington.

2. The 11 States involved had, according to the latest available Statistical Abstract of the United States, a combined 1961 population of 28.1 million people.

3. There have been definite trends toward an increase in population in the 11 Western States mentioned above; it is estimated that the westward movement will continue, and that by 1970, 37 million people will live in the Mountain and Pacific States.

The committee submits the obvious conclusion that in these areas where the Federal Government is such a large owner it will be necessary to make more intensive use of the public lands in order to accommodate the increased population.

Temporary commission required

It is the considered opinion of the committee that the necessary comprehensive study required of the public land laws cannot be carried out successfully by this committee acting alone. The committee believes that due to the many and varied factors, considerations, and interests involved, only a bipartisan commission supplemented by an advisory council made up of the many interested users of the public lands would be in a position to coordinate and supervise effectively such a broad study.

H.R. 8070, if enacted as amended, will establish such a bipartisan commission to conduct a review of existing public land laws and regulations and recommend revisions necessary therein. The commission and its staff would be assisted by liaison officers from Federal agencies with a direct interest.

SECTIONAL ANALYSIS

H.R. 8070, as amended by the committee, provides the necessary framework for the study outlined above:

1. In a declaration of policy the bill presents the necessary guidelines for the Commission in declaring that public lands of the United States shall be—

(a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

The committee takes no position as to these alternatives, which shall be exclusively within the scope of recommendations to be made by the Commission.

2. The declaration of purpose recognizes that the public land laws of the United States have not been fully correlated and that a comprehensive review is necessary to determine whether and to what extent revisions are necessary.

3. The bill would establish a 19-member Commission composed of 6 members of the House Interior Committee, 6 members of the Senate Interior Committee, 6 members appointed by the President from persons outside of the Federal Government, and a Chairman elected by the first 18.

4. The Commission would be charged with the responsibility of studying existing statutes and regulations governing public lands, of reviewing policies and practices of Federal agencies in the field, compiling data necessary for a determination and understanding of the various demands on the public lands which now exist and which are likely to exist in the future, and finally to recommend modifications deemed necessary in existing laws, regulations, policies, and practices.

5. The Commission would be required to submit its report to the President and the Congress by December 31, 1967. It would cease to exist 6 months after submission of its report or by June 30, 1968, whichever is earlier.

6. Each Federal agency concerned with public lands would appoint a liaison officer to work with the Commission and its staff.

7. There would be established an advisory council consisting of the Federal agency liaison officers together with 25 additional members representing those interested in the use of the public lands. This advisory council would not be an independent body and would function only for the benefit of the Public Land Law Review Commission.

8. Provision is made for a representative from each State to work closely with the Commission and its staff and with the advisory council.

9. The Commission would be given limited subpoena power in order to enforce attendance of witnesses and the submission of required data.

10. In authorizing appropriation of funds the committee has placed a limitation of \$4 million on the amount to be afforded the Commission during its life. The Commission would be authorized to appoint and fix compensation of its full-time Chairman and staff director; all members of the Commission, except the Chairman, would serve without compensation.

11. The term "public lands," as used in the act, is defined in section 10 of H.R. 8070.

COMMITTEE AMENDMENT

In addition to technical modifications the committee amendment will—

1. preclude Government employees from serving on the Commission;

2. limit the use of the subpoena power granted to the Commission;
3. protect the confidentiality of certain material furnished to the Commission;
4. extend the definition of "public lands" to include all the national forests, in view of the intermingling in many areas of acquired and public lands in the national forests;
5. the definition of "public lands" was also clarified to indicate that it includes reserved mineral interests in lands heretofore disposed of by the United States as well as mineral interests in the Outer Continental Shelf.

COST

H.R. 8070 authorizes maximum appropriations of \$4 million during the projected tenure of the Public Land Law Review Commission.

DEPARTMENTAL RECOMMENDATIONS

The executive departments involved favor establishment of a Public Land Law Review Commission as set forth in the following reports:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 6, 1963.

Hon. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. ASPINALL: This responds to your committee's request for our views on House Joint Resolution 52, a joint resolution for the establishment of a commission to study the nonmineral public land laws of the United States to facilitate the enactment of a more effective, simplified, and adequate system of laws governing the transfer of title to public lands to individuals, associations, corporations, and to States and local governments or their instrumentalities, and on H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, identical bills for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

We recommend that any of the H.R. 8070 group be enacted, if amended as set forth below, and we recommend that House Joint Resolution 52 not be enacted.

House Joint Resolution 52 would establish a commission to study present nonmineral public land laws. It would be charged with the responsibility of recommending an adequate, modern, and simplified body of nonmineral public land laws to be administered by the Secretary of the Interior through the Bureau of Land Management. The nine-member Commission would be bipartisan. Three members would be appointed by the President of the Senate, and three would be appointed by the Speaker of the House of Representatives; in each case, not more than two would be from the same political party. The remaining three members would be appointed by the President from persons either in private life or in the Federal Government who have a professional interest in proper land use and tenure. The members

of the Commission would elect from among their own members a Chairman and Vice Chairman. The Commission would be authorized to employ such a staff as it deemed necessary and advisable. Finally, the resolution would authorize the appropriation of \$150,000 to finance the study.

Section 1 of H.R. 8070 declares it to be the policy of the Congress that the public lands of the United States shall be retained or managed or disposed of, all in a manner to provide the maximum benefit for the general public.

Section 2 of H.R. 8070 recites that because the public land laws of the United States have developed over a long period of years through a series of laws which are not fully correlated with each other and because those laws or some of them may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and to determine whether, and to what extent, revisions are necessary.

Section 3 of H.R. 8070 sets up a Commission to be known as the Public Land Law Review Commission, composed of 19 members. The President of the Senate would select three majority and three minority members of the Senate Interior and Insular Affairs Committee, the Speaker of the House of Representatives would similarly select three majority and three minority members of the House Interior and Insular Affairs Committee, and the President would select six persons from the executive branch of the Government. These 18 persons would elect by majority vote another person who would be the Chairman of the Commission. Any vacancy which might occur on the Commission would not affect its powers or functions but would be filled in the same manner in which the original appointment was made. The organization meeting of the Commission would be held at such time and place as would be specified in the call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives. Ten members of the Commission would constitute a quorum, but a smaller number, as determined by the Commission, could conduct hearings. The Commission members, except the Chairman, would serve without any compensation in addition to their regular salary but each member would be entitled to reimbursement for travel and subsistence expenses incurred in the service of the Commission when engaged in Commission business.

Section 4 of the bill provides that the Commission shall study existing statutes and regulations governing the retention, management, and disposition of the public lands, review the policies and practices of the Federal agencies charged with the administrative jurisdiction over such lands insofar as such policies and practices relate to the administration of those lands, compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future, and recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy enunciated in section 1 of the bill.

The Commission would be required not later than December 31, 1967, to submit to the President and the Congress its final report.

The Commission would cease to exist 6 months after submission of that report or on June 30, 1968, whichever is earlier. The documents of the Commission would thereupon be delivered to the Administrator of the General Services Administration for deposit in the Archives of the United States.

Section 5 of the bill provides that each Federal department or independent agency concerned with public lands would appoint, upon the request of the Commission, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to the Commission's operations.

Section 6 of the bill would establish an advisory council consisting of the liaison officers appointed under section 5, together with 25 additional members appointed by the Commission who would be representative of the various major citizens groups interested in problems pertaining to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education, labor, and public utilities. The advisory council would be required to advise and counsel the Commission concerning matters within its jurisdiction. Members of the advisory council would serve without compensation but would be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Commission or its Chairman. The Chairman of the Commission would call an organization meeting of the advisory council as soon as practicable, a meeting of such council each 6 months thereafter, and a final meeting prior to approval of the final report by the Commission.

Section 7 of the bill invites the Governor of each State to designate a representative to work closely with the Commission and its staff and with the advisory council in matters concerning the bill.

Section 8 of the bill recites that the Commission, or on proper authorization thereof, any committee of the Commission may for the purpose of carrying out the purposes of the bill hold hearings, administer oaths, issue subpoenas as may be deemed advisable. The Commission would also be authorized to secure from any department, agency, or individual instrumentality of the executive branch any information it deems necessary to carry out its functions.

Section 9 of the bill would authorize to be appropriated such sums, but not more than \$4 million, to carry out the purposes of the bill and such moneys as may be appropriated shall be available to the Commission until expended. The Commission would be authorized to fix, without regard to the civil service laws, the compensation of its Chairman, appoint and fix the compensation of its staff director, and such additional personnel as may be necessary. Any Federal employee subject to the civil service laws and regulations who may be employed by the Commission would retain civil service status without interruption or loss of status or privilege. The Commission would further be authorized to enter into contracts or agreements for studies and surveys with public and private organizations and if necessary

to transfer funds to the Federal agency from appropriated funds to carry out special studies. Service of an individual as a member of the advisory council, as a representative of a Governor, or employment by the Commission of an attorney or expert in any area, whether on a part-time or full-time basis, with or without compensation, would not be considered as service or employment bringing such individuals within the purview of the conflict-of-interest statute, the act of October 23, 1962 (76 Stat. 1119).

Section 10 of the bill defines the term "public lands" as including (a) the public domain of the United States; (b) reservations, other than Indian reservations, created from the public domain; (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws; and (d) the surface and subsurface resources of all such lands.

The limitation in House Joint Resolution 52 as to the scope of the study, i.e., the nonmineral public land laws, sharply curtails the possible effectiveness and utility of the study. The interrelationship between mining claims and mineral leasing to surface disposition and resource management is so closely bound together as to require consideration of all. In contradistinction, H.R. 8070, and the other identical bills, provide for a study of all the public land laws, both mineral and nonmineral, but also (sec. 4(a)) of the "regulations governing the retention, management, and disposition of the public lands * * * the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands * * *." A study of the public land laws without reference to their administrative implementation as envisaged by House Joint Resolution 52, undoubtedly would be regarded by this Department as only of limited value. Moreover, H.R. 8070 provides for appointment of departmental liaison officers who would be members of an advisory council, together with 25 additional members representative of groups interested in various facets of public lands, thus tending to insure broad representation. Similarly, H.R. 8070 invites the Governor of each State to designate a representative to work with the Commission. House Joint Resolution 52 does not provide for such participation by non-Federal groups and entities. Moreover, H.R. 8070 authorizes the appropriation of up to \$4 million for the study in contradistinction to House Joint Resolution 52 which authorizes the sum of \$150,000 for such purpose, a sum, in our judgment, woefully inadequate for the desired purpose. It is our judgment, therefore, that enactment of House Joint Resolution 52 would not be likely to lead to fruitful results.

There is today an urgent need for a thorough study of the existing public land laws, policies, and procedures in order for the Congress to develop a sound public policy for the management, use, and disposition of the public lands which will meet the present and future needs of the American people. The various agencies managing public lands are presently operating under a complex system of public land laws which have developed in a "patchwork" fashion since the beginning of the Republic. Thousands of laws now govern the management, use, and disposition of the public lands of the United States. Many of the laws reflect the social and economic conditions of the 19th and early 20th century and thus are predicated on essentially obsolete

concepts, are of special purpose, and of limited scope. We believe the creation of the kind of commission contemplated by H.R. 8070 will focus professional attention to this urgent need. It should give considerable impetus to the establishment of coordinated public land management procedures and practices designed to meet the current and future demands on the public lands.

Section 1 of H.R. 8070 declares that it is "the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public."

This language conceivably might lend itself to the construction that disposition of all public lands is one of the alternatives envisaged by the policy. However, the statement made by the chairman of the House Interior and Insular Affairs Committee, at the American Bar Association meeting in Chicago on August 14, 1963, in explanation of the bill and an examination of other sections of the bill indicates rather clearly that the policy is intended to be both (a) and (b) as and where appropriate. We believe that section 1 of the bill envisages selective disposition of public lands and we are in accord with that principle.

We believe that section 10 should embrace, in the term "public lands," the reserved mineral interest owned by the United States in lands conveyed under the public land laws. Although the lands of the Outer Continental Shelf are not public lands, we believe that the Congress may wish to consider them in conjunction with the public lands study. Similarly, we believe that it would be desirable for the Commission's activities to embrace the interests retained by the United States in the disposition of public lands. We have in mind specifically (1) outstanding interests of the United States in railroad rights-of-way, (2) mineral and other reservations in dispositions of lands under the public land laws, and (3) defeasible titles or interests granted under the public land laws.

The scope of the study, as provided by section 4(a), i.e., " * * * the retention, management, and disposition of those lands * * *," when read in conjunction with section 10(d) which defines "public lands" as including "reservations, other than Indian reservations, created from the public domain * * *" deserves further comment. Under those provisions, the Commission would have a mandate to study (1) the administration of military areas, (2) wildlife refuges and fish hatcheries, (3) national parks, (4) power projects, (5) Coast Guard stations, (6) national forests, and (7) many other areas withdrawn from the public domain.

The study of the public land laws, policies, and practices is in and of itself a complex and time-consuming project. To proliferate the study into a study of any land which is still in Federal ownership, and which had an unwithdrawn public land status at some time, would inevitably spread the study so widely as to seriously impair its feasibility. It is noteworthy that national parks are established only by individual enactments of Congress. It would appear, therefore, that the establishment of such areas receives adequate congressional consideration. The administration of national parks is substantially different from that of the public domain—to a degree the objectives differ. Insofar as the lands administered by the Secretary of the Interior through the National Park Service are concerned, we believe that only those lands which have not been established through

specific statutory enactments should be included in the study, e.g., national monuments, and only as to their creation, but not their administration. For the Commission to get into a study of concession contracts, for example, in national parks and monuments, would be, in our judgment, a deviation from the purpose of the Commission.

We note that the definition of public lands in section 10(a) encompasses lands in the State of Alaska. The public lands in that State have problems which are sui generis, and probably will require special consideration and disposition by the Commission, in the light of the selection program under the Statehood Act of July 7, 1958 (72 Stat. 339), which provides for the selection of over 100 million acres of public lands.

We are not unaware that there are some acquired lands being managed in conjunction with public domain. It is our view, however, that the main thrust of the study should not be burdened by adding matters to the scope of the Commission's study which are not properly an integral and essential part thereof.

We wish to point out that the definition of "public lands" in the bill would not clearly encompass the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, which are administered by the Secretary of the Interior through the Bureau of Land Management.

We suggest for your consideration the following proposed amendments:

1. On page 4, line 18, insert after the period the following: "The duties of the Commission under this subsection shall not include a review of the management of any reservations heretofore established from the public domain."

2. On page 9, delete lines 5 to 11, inclusive, and substitute the following: "means (a) lands, including the surface and subsurface resources thereof, administered by the Secretary of the Interior through the Bureau of Land Management, including the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, but excluding acquired lands; (b) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws; and (c) the lands of the Outer Continental Shelf as defined in the Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331, et seq.)."

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 9, 1963.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. ASPINALL: This is in response to your request of August 15, 1963, for the report of this Department on H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, bills for the establishment of a Public

Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

We recommend the enactment of this legislation with the changes hereinafter suggested.

These bills would recognize the need for a comprehensive review of the public land laws which have developed over a long period of years and would establish a Commission for such purpose to be known as the Public Land Law Review Commission. The Commission would be comprised of 19 members—6 from the Senate Committee on Interior and Insular Affairs, to be appointed by the President of the Senate; 6 from the House Committee on Interior and Insular Affairs, to be appointed by the Speaker of the House; 6 from the executive branch, to be appointed by the President; and 1 to be chosen by the other members. This member would be the Chairman.

The bills would provide that the Commission would (1) study the existing statutes and regulations governing the retention, management, and disposition of the public lands; (2) review the policies and practices of Federal agencies insofar as they relate to the retention, management, and disposition of the public lands; (3) compile data to understand and determine the present and future demands on the public lands; and (4) recommend modifications in existing laws, regulations, policies, and practices.

The Commission would submit its final report not later than December 31, 1967, and would cease to exist 6 months after the submission of the report.

The bills would provide for liaison officers to be appointed by each Federal department or independent agency concerned with the retention, management, or disposition of public lands. An advisory council would be comprised of such liaison officers and 25 additional members to be appointed by the Commission representative of various interests.

The Governor of each State would be invited to designate representatives to work closely with the Commission.

The bills would provide for an appropriation of not to exceed \$4 million.

The bills would define "public lands" to include (1) the public domain; (2) reservations, other than Indian, created from the public domain; (3) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws; and (4) the surface and subsurface resources of such lands.

President Kennedy in his letter to you of January 17, 1963, states that "Your invitation to enter into a joint effort to review and revise the public land laws is * * * most welcome." Representatives of this Department have expressed to you our general concurrence in the Commission approach to this problem.

The present body of public land laws, including the mining and mineral leasing laws, is comprised of a multiplicity of separate enactments covering a span of a century and a half. During this period this Nation has grown from a relatively small number of States to the present 50. Areas which at the outset were totally undeveloped and unsettled are now developed and settled.

The constant increase in our population, our expanding commerce and industry, increases in productive capacity, improvements in our standards of living, increased leisure time, upsurging demands for outdoor recreation opportunities—all these have brought about new pressures and changes in philosophy on the use and disposition of our public lands.

There can be no doubt that a study of our public land laws, including the mining and mineral leasing laws, is needed. The scope of the study must be carefully defined in order that the results may be expected to be as specific and beneficial as possible.

The definition of the term "public lands" in the bills would include basically the public domain, the reservations other than Indian created from the public domain, those lands of the public domain temporarily or permanently withdrawn from disposition under the public land laws (including the mining laws), and the surface and subsurface resources thereof. Thus "public lands" as used in the bill would in general mean the public domain land and the lands reserved or withdrawn from the public domain. We believe this is desirable if the scope of the study is limited as suggested hereinafter.

Lands which are reserved or withdrawn from the public domain are administered by many Departments and agencies. The purposes for which these lands are administered are so varied and so numerous as to make it impracticable to enumerate. We believe that if the Commission should be required, as in items (i) and (ii) of subsection (a) of section 4 of the bills, to study all of the laws and regulations and the policies and practices of all the Federal departments and agencies administering lands reserved or withdrawn from the public domain insofar as they relate to the retention, management, and disposition of such lands and the surface and subsurface resources thereof, the study would become too complex and unwieldy and would embrace the activities of too many executive branches and congressional committees to be expected to reach its real objective.

We believe that this study should encompass what are generally known as the public land laws, including the mining and mineral leasing laws, the laws and authorities under which public lands are reserved and withdrawn or otherwise segregated from the public domain, and the manner in which these laws and authorities are executed. We, therefore, recommend that items (i) and (ii) of subsection (a) of section 4 be amended accordingly.

Many of the lands which are reserved or withdrawn from the public domain are administered for the same purpose and in conjunction with lands which have been acquired from non-Federal ownership by the administering agency. This combination of reserved or withdrawn public domain and acquired land often is managed and various resources thereof are permitted to be utilized under the same laws regardless of the source of the land. This is so in large measure as to the 186 million acres comprising the national forest system.

Therefore, if your committee should favor the study and review by the Commission of the laws, regulations, policies, and practices of the Federal agencies insofar as they relate to the management of the lands and the disposition of the renewable resources thereof after such lands have been reserved or withdrawn or otherwise dedicated to particular Federal management purposes, we would recommend that, insofar as this Department is concerned, those relating to acquired lands also be

included. We believe that these would need to be treated and considered together.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., September 11, 1963.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on identical bills H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, and on House Joint Resolution 52, measures to establish commissions to study the public land laws.

The Commission proposed to be established by House Joint Resolution 52 would be limited in its investigation to the nonmineral public land laws administered by the Secretary of the Interior through the Bureau of Land Management. Without reference to other particulars of this joint resolution, it seems to this Department that a study of broader scope would be desirable at this time. It should be noted, incidentally, that section 5(e) of this measure specifies April 1, 1962, as the date by which the proposed Commission would be required to make its report.

With respect to H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, this Department agrees that a broad review of the land laws of the United States with a view to their modernization is needed. In general, these bills would provide the means for such a review. We have comments with respect to certain provisions of the bills, however.

The provision in section 3 of these bills for election of a Chairman by a majority vote of the appointed membership not only is extremely unusual but is, we believe, undesirable, and we would recommend that any bill enacted provide for appointment of the Chairman by the President.

The Department believes it would be desirable to vest the executive powers of the Commission in the Chairman, thereby enabling the other members to concentrate on the substantive work of the Commission. The following revisions would accomplish this objective:

Insert "Chairman of the" before the word "Commission" in line 5, page 5; line 16, page 5; line 15, page 7; line 4, page 8; and line 14, page 8.

Delete "Commission or its" from line 12, page 6.

We urge that section 9(d) of the bills, exempting certain service or employment thereunder from the provisions of the act of October 23, 1962 (76 Stat. 1119), the conflicts of interest statute, be deleted. It is our view that exemptions made in the 1962 statute with respect to special Government employees are adequate for the purposes of the present bills.

The Bureau of the Budget concurs in our report and recommendations, and has asked us to comment regarding several additional matters.

The Bureau believes that a 19-member commission would tend to be excessively large and somewhat cumbersome for a study effort of the kind envisioned by this bill. An orderly study and evaluation of so complex a subject as the public land laws may be unduly hampered by an unnecessarily large executive body. It would recommend, therefore, that section 3 of the bill be changed to provide for four members each from the House and the Senate, the same number as were members of the Outdoor Recreation Resources Review Commission, and that the number of noncongressional members be reduced to five, including the Chairman. This would provide for a total Commission membership of 13.

The Bureau of the Budget would also recommend that section 3(d) be revised to read: "The Commission shall meet at the call of the Chairman"; and that section 3(f) be revised to read: "Commission members, including the Chairman if he is otherwise employed in the Federal service, shall receive no additional compensation by reason of membership on the Commission, but shall be entitled to reimbursement for travel and subsistence or per diem in accordance with the laws and regulations applicable to their usual employment. If the Chairman is from private life he shall be compensated at the rate of \$100 per diem when actually engaged on business of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently."

Also delete "fix the compensation of its Chairman and" from lines 6 and 7, page 8, of the bill.

The Bureau of the Budget further recommends that the limitation of \$4 million now included in section 9(a) of the bill be deleted. In view of the difficulty involved in predicting the cost of this type of study, and considering the time limitation for study completion provided elsewhere in the bill, the provision for total budgetary limitation is considered undesirable.

In recent years it has been customary to make the General Services Administration responsible for furnishing common services to temporary agencies of this kind. This arrangement gives the agency the benefit of an experienced administrative staff and, therefore, expedites the work of the agency. The Bureau of the Budget therefore recommends that the following language be included in the bill:

"Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided*, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *And provided further*, That the Commission shall not be required to prescribe such regulations."

The legal title of the office involved, "Administrator of General Services," should be used in lines 1 and 2, page 5, of the bills.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., September 9, 1963.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense on H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, identical bills for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

Section 1 of the bills sets forth the general policy that the public lands of the United States shall be retained, managed, and disposed of so as to provide the maximum benefit for the general public; section 2 states that because existing public land laws are not fully correlated a comprehensive review of these laws is necessary; section 3 establishes the Public Land Law Review Commission, and provides the procedure for the appointment of members and other administrative details relating to the function of the Commission; section 4 describes the various subjects to be considered by the Commission, and the contents of the report it shall submit; sections 5 through 7 provide for participation and assistance in the Commission's operations by departments of the Federal Government, State governments, and interested citizens' groups; section 8 sets forth the powers of the Commission; section 9 authorizes the appropriation of \$4 million to carry out the provisions of the act, and provides for the appointment of staff members; and section 10 provides a definition of the term "public lands."

The Department of Defense is fully in accord with the purpose of undertaking a comprehensive review of existing public land laws, as is provided in the present legislation. The Department has, in fact, been working with other departments of the Federal Government in a similar study relating to all land laws. If the Congress believes that a review of this type can be more effectively accomplished by a statutory commission, the Department of Defense will interpose no objection. As the bills are presently worded, the definition of public lands in section 10 to include only those lands which are in the public domain would appear to exclude from the proposed study lands which have been acquired by purchase, donation, or condemnation; since even this limited definition will require a fairly extensive review of existing laws and practices, the limitation is believed to be desirable.

The enactment of this legislation will have no effect on the budgetary requirements of the Department of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

JOHN T. McNAUGHTON.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that H.R. 8070, as amended, be enacted.

MINORITY VIEWS ON H.R. 8070

The proposed Commission of 19 members, numerous liaison officers representing unspecified Federal departments and independent agencies, and an advisory council of 25 additional members, plus 50 Governors' representatives, would represent an unwieldy group of conflicting interests for the purpose of revising our public land laws.

We feel that the entire period of 4 years envisioned by the provisions of the bill would be consumed in assembling a huge mass of incompatible and probably unread testimony, which would leave current problems totally unresolved at that late date.

Even assuming that the requested authorization of \$4 million might prove adequate for the job, which fact may well be historically questioned, we are of the opinion that a substantial waste of public funds will be involved for a task which can better be—in fact, eventually must be—undertaken by both of our legislative bodies through the standing committees of Congress.

J. ERNEST WHARTON.
HOMER E. ABELE.

88TH CONGRESS
1ST SESSION

H. R. 8070

[Report No. 1008]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 14, 1963

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

DECEMBER 7, 1963

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

For the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That—

4 DECLARATION OF POLICY

5 SECTION 1. It is hereby declared to be the policy of
6 Congress that the public lands of the United States shall
7 be ~~(a)~~ retained and managed or ~~(b)~~ disposed of, all in a
8 manner to provide the maximum benefit for the general
9 public.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because these laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of

1 the House Committee on Interior and Insular Affairs to
2 be appointed by the Speaker of the House of Repre-
3 sentatives;

4 (iii) Six persons from the executive branch of the
5 Government to be appointed by the President of the
6 United States; and

7 (iv) One person, elected by majority vote of the
8 other eighteen, who shall be the Chairman of the Com-
9 mission.

10 (e) Any vacancy which may occur on the Commission
11 shall not affect its powers or functions but shall be filled in the
12 same manner in which the original appointment was made.

13 (d) The organization meeting of the Commission shall
14 be held at such time and place as may be specified in a call
15 issued jointly by the senior member appointed by the Presi-
16 dent of the Senate and the senior member appointed by the
17 Speaker of the House of Representatives.

18 (e) Ten members of the Commission shall constitute a
19 quorum, but a smaller number, as determined by the Com-
20 mission, may conduct hearings.

21 (f) The Commission members, except the Chairman,
22 shall serve without any compensation in addition to their
23 regular salary, but each member shall be entitled to reim-

1 bursement for travel and subsistence expenses incurred in
2 the service of the Commission when engaged in Commission
3 business.

4 DUTIES OF THE COMMISSION

5 SEC. 4. ~~(a)~~ The Commission shall ~~(i)~~ study existing
6 statutes and regulations governing the retention, manage-
7 ment, and disposition of the public lands; ~~(ii)~~ review the
8 policies and practices of the Federal agencies charged with
9 administrative jurisdiction over such lands insofar as such
10 policies and practices relate to the retention, management,
11 and disposition of those lands; ~~(iii)~~ compile data necessary
12 to understand and determine the various demands on the
13 public lands which now exist and which are likely to exist
14 within the foreseeable future; and ~~(iv)~~ recommend such
15 modifications in existing laws, regulations, policies, and
16 practices as will, in the judgment of the Commission, best
17 serve to carry out the policy set forth in section 1 of this
18 Act.

19 ~~(b)~~ The Commission shall, not later than December
20 31, 1967, submit to the President and the Congress its
21 final report. It shall cease to exist six months after sub-
22 mission of said report or on June 30, 1968, whichever is
23 earlier. All records and papers of the Commission shall

1 thereupon be delivered to the Administrator of the General
2 Services Administration for deposit in the Archives of the
3 United States.

4 DEPARTMENTAL LIAISON OFFICERS

5 SEC. 5. The Commission shall request the head of
6 each Federal department or independent agency which has
7 an interest in or responsibility with respect to the retention,
8 management, or disposition of the public lands to appoint,
9 and the head of such department or agency shall appoint,
10 a liaison officer who shall work closely with the Commission
11 and its staff in matters pertaining to this Act.

12 ADVISORY COUNCIL

13 SEC. 6. (a) There is hereby established an advisory
14 council, which shall consist of the liaison officers appointed
15 under section 5 of this Act, together with 25 additional
16 members appointed by the Commission who shall be rep-
17 representative of the various major citizens' groups interested
18 in problems relating to the retention, management, and
19 disposition of the public lands, including the following:
20 Organizations representative of State and local government,
21 private organizations working in the field of public land
22 management and outdoor recreation resources and oppor-
23 tunities, landowners, forestry interests, livestock interests,

1 mining interests, oil and gas interests, commercial and sport
2 fishing interests, commercial outdoor recreation interests,
3 industry, education, labor, and public utilities.

4 (b) The advisory council shall advise and counsel the
5 Commission concerning matters within the jurisdiction of
6 the Commission.

7 (c) Members of the advisory council shall serve with-
8 out compensation, but shall be entitled to reimbursement
9 for actual travel and subsistence expenses incurred in attend-
10 ing meetings of the council called or approved by the
11 Chairman of the Commission or in carrying out duties as-
12 signed by the Commission or its Chairman.

13 (d) The Chairman of the Commission shall call an
14 organization meeting of the advisory council as soon as
15 practicable, a meeting of such council each six months
16 thereafter, and a final meeting prior to approval of the final
17 report by the Commission.

18 GOVERNORS' REPRESENTATIVES

19 SEC. 7. Congress invites the Governor of each State to
20 designate a representative to work closely with the Com-
21 mission and its staff and with the advisory council in matters
22 pertaining to this Act.

23 POWERS OF THE COMMISSION

24 SEC. 8. (a) The Commission or, on authorization of the
25 Commisison, any committee thereof may, for the purpose of

1 carrying out the provisions of this Act, hold such hearings
 2 and sit and act at such times and places, administer such
 3 oaths, and require by subpoena or otherwise, the attendance
 4 and testimony of such witnesses and the production of such
 5 books, records, correspondence, memorandums, papers, and
 6 documents, as the Commission or such subcommittee or mem-
 7 ber may deem advisable. Subpenas may be issued under
 8 the signature of the Chairman of the Commission, or such
 9 committee or any duly designated member, and may be
 10 served by any person designated by such Chairman or mem-
 11 ber. The provisions of sections 102-104, inclusive, of the
 12 Revised Statutes (2 U.S.C. 192-194) shall apply in case of
 13 any failure of any witness to comply with any subpoena or
 14 testimony when summoned under this section.

15 (b) The Commission is authorized to secure from any
 16 department, agency, or individual instrumentality of the
 17 executive branch of the Government any information it
 18 deems necessary to carry out its functions under this Act and
 19 each such department, agency, and instrumentality is author-
 20 ized and directed to furnish such information to the Commis-
 21 sion upon request made by the Chairman or the Vice Chair-
 22 man when acting as Chairman.

23 **APPROPRIATIONS, EXPENSES, AND PERSONNEL**

24 **SEC. 9. (a)** There are hereby authorized to be appro-
 25 priated such sums, but not more than \$1,000,000, as may be

1 necessary to carry out the provisions of this Act and such
2 moneys as may be appropriated shall be available to the
3 Commission until expended.

4 ~~(b)~~ The Commission is authorized, without regard to
5 the civil service laws and regulations and without regard
6 to the Classification Act of 1949, as amended, to fix the
7 compensation of its Chairman and appoint and fix the
8 compensation of its staff director, and such additional per-
9 sonnel as may be necessary to enable it to carry out its
10 functions except that any Federal employees subject to the
11 civil service laws and regulations who may be employed
12 by the Commission shall retain civil service status without
13 interruption or loss of status or privilege.

14 ~~(c)~~ The Commission is authorized to enter into con-
15 tracts or agreements for studies and surveys with public
16 and private organizations and, if necessary, to transfer funds
17 to Federal agencies from sums appropriated pursuant to
18 this Act to carry out such aspects of the review as the Com-
19 mission determines can best be carried out in that manner.

20 ~~(d)~~ Service of an individual as a member of the Ad-
21 visory Council, as the representative of a Governor, or em-
22 ployment by the Commission of an attorney or expert in
23 any job or professional held on a part-time or full-time basis
24 with or without compensation shall not be considered as

1 service or employment bringing such individuals within the
 2 provisions of the Act of October 23, 1962 (76 Stat. 1126).

3 DEFINITION OF "PUBLIC LANDS"

4 SEC. 10. As used in this Act, the term "public lands"
 5 includes (a) the public domain of the United States; (b)
 6 reservations, other than Indian reservations, created from the
 7 public domain; (c) lands permanently or temporarily with-
 8 drawn, reserved, or withheld from private appropriation
 9 and disposal under the public land laws, including the mining
 10 laws; and (d) the surface and subsurface resources of all
 11 such lands.

12 *That—*

13 DECLARATION OF POLICY

14 *SECTION 1. It is hereby declared to be the policy of*
 15 *Congress that the public lands of the United States shall*
 16 *be (a) retained and managed or (b) disposed of, all in a*
 17 *manner to provide the maximum benefit for the general*
 18 *public.*

19 DECLARATION OF PURPOSE

20 *SEC. 2. Because the public land laws of the United States*
 21 *have developed over a long period of years through a series*
 22 *of Acts of Congress which are not fully correlated with each*
 23 *other and because those laws, or some of them, may be in-*

1 adequate to meet the current and future needs of the Ameri-
2 can people and because administration of the public lands
3 and the laws relating thereto has been divided among several
4 agencies of the Federal Government, it is necessary to have
5 a comprehensive review of those laws and the rules and regu-
6 lations promulgated thereunder and to determine whether
7 and to what extent revisions thereof are necessary.

8 COMMISSION ON PUBLIC LAND LAW REVIEW

9 SEC. 3. (a) For the purpose of carrying out the policy
10 and purpose set forth in sections 1 and 2 of this Act, there is
11 hereby established a commission to be known as the Public
12 Land Law Review Commission, hereinafter referred to as
13 "the Commission."

14 (b) The Commission shall be composed of nineteen
15 members, as follows:

16 (i) Three majority and three minority members of
17 the Senate Committee on Interior and Insular Affairs
18 to be appointed by the President of the Senate;

19 (ii) Three majority and three minority members of
20 the House Committee on Interior and Insular Affairs to
21 be appointed by the Speaker of the House of Repre-
22 sentatives;

23 (iii) Six persons to be appointed by the President of
24 the United States from among persons who at the time

1 *appointment is to be made hereunder are not, and within*
2 *a period of one year immediately preceding that time*
3 *have not been, officers or employees of the United States;*
4 *but, the foregoing or any other provision of law notwith-*
5 *standing, there may be appointed, under this paragraph,*
6 *any person who is retained, designated, appointed, or em-*
7 *ployed by any instrumentality of the executive branch of*
8 *the Government or by any independent agency of the*
9 *United States to perform, with or without compensation,*
10 *temporary duties on either a full-time or intermittent basis*
11 *for not to exceed one hundred and thirty days during any*
12 *period of three hundred and sixty-five consecutive days;*
13 *and*

14 *(iv) One person, elected by majority vote of the*
15 *other eighteen, who shall be the Chairman of the Com-*
16 *mission.*

17 *(c) Any vacancy which may occur on the Commission*
18 *shall not affect its powers or functions but shall be filled in the*
19 *same manner in which the original appointment was made.*

20 *(d) The organization meeting of the Commission shall*
21 *be held at such time and place as may be specified in a call*
22 *issued jointly by the senior member appointed by the Presi-*
23 *dent of the Senate and the senior member appointed by the*
24 *Speaker of the House of Representatives.*

1 (e) Ten members of the Commission shall constitute a
2 quorum, but a smaller number, as determined by the Com-
3 mission, may conduct hearings.

4 (f) Members of Congress who are members of the Com-
5 mission shall serve without compensation in addition to that
6 received for their services as Members of Congress; but they
7 shall be reimbursed for travel, subsistence, and other neces-
8 sary expenses incurred by them in the performance of the
9 duties vested in the Commission.

10 (g) The members appointed by the President shall each
11 receive \$50 per diem when engaged in the actual performance
12 of duties vested in the Commission, plus reimbursement for
13 travel, subsistence, and other necessary expenses incurred by
14 them in the performance of such duties.

15 DUTIES OF THE COMMISSION

16 SEC. 4. (a) The Commission shall (i) study existing
17 statutes and regulations governing the retention, manage-
18 ment, and disposition of the public lands; (ii) review the
19 policies and practices of the Federal agencies charged with
20 administrative jurisdiction over such lands insofar as such
21 policies and practices relate to the retention, management,
22 and disposition of those lands; (iii) compile data necessary
23 to understand and determine the various demands on the
24 public lands which now exist and which are likely to exist
25 within the foreseeable future; and (iv) recommend such

1 modifications in existing laws, regulations, policies, and
2 practices as will, in the judgment of the Commission, best
3 serve to carry out the policy set forth in section 1 of this
4 Act.

5 (b) The Commission shall, not later than December
6 31, 1967, submit to the President and the Congress its
7 final report. It shall cease to exist six months after sub-
8 mission of said report or on June 30, 1968, whichever
9 is earlier. All records and papers of the Commission shall
10 thereupon be delivered to the Administrator of General
11 Services for deposit in the Archives of the United States.

12 DEPARTMENTAL LIAISON OFFICERS

13 SEC. 5. The Chairman of the Commission shall request
14 the head of each Federal department or independent agency
15 which has an interest in or responsibility with respect to the
16 retention, management, or disposition of the public lands to
17 appoint, and the head of such department or agency shall
18 appoint, a liaison officer who shall work closely with the
19 Commission and its staff in matters pertaining to this Act.

20 ADVISORY COUNCIL

21 SEC. 6. (a) There is hereby established an Advisory
22 Council, which shall consist of the liaison officers appointed
23 under section 5 of this Act, together with 25 additional
24 members appointed by the Commission who shall be repre-
25 sentative of the various major citizens' groups interested in

1 problems relating to the retention, management, and disposi-
2 tion of the public lands, including the following: Organiza-
3 tions representative of State and local government, private
4 organizations working in the field of public land management
5 and outdoor recreation resources and opportunities, land-
6 owners, forestry interests, livestock interests, mining interests,
7 oil and gas interests, commercial and sport fishing interests,
8 commercial outdoor recreation interests, industry, education,
9 labor, and public utilities. Any vacancy occurring on the
10 Advisory Council shall be filled in the same manner as the
11 original appointment.

12 (b) The Advisory Council shall advise and counsel the
13 Commission concerning matters within the jurisdiction of
14 the Commission.

15 (c) Members of the Advisory Council shall serve with-
16 out compensation, but shall be entitled to reimbursement for
17 actual travel and subsistence expenses incurred in attending
18 meetings of the Council called or approved by the Chairman
19 of the Commission or in carrying out duties assigned by the
20 Chairman.

21 (d) The Chairman of the Commission shall call an
22 organization meeting of the Advisory Council as soon as
23 practicable, a meeting of such council each six months
24 thereafter, and a final meeting prior to approval of the final
25 report by the Commission.

1 GOVERNORS' REPRESENTATIVES

2 SEC. 7. *The Chairman of the Commission shall invite the*
 3 *Governor of each State to designate a representative to work*
 4 *closely with the Commission and its staff and with the ad-*
 5 *visory council in matters pertaining to this Act.*

6 POWERS OF THE COMMISSION

7 SEC. 8. (a) *The Commission or, on authorization of the*
 8 *Commission, any committee of two or more members, at least*
 9 *one of whom shall be of each major political party, may, for*
 10 *the purpose of carrying out the provisions of this Act, hold*
 11 *such hearings and sit and act at such times and places as*
 12 *the Commission or such authorized committee may deem ad-*
 13 *visable. Subpenas for the attendance and testimony of wit-*
 14 *nesses or the production of written or other matter may be*
 15 *issued only on the authority of the Commission and shall be*
 16 *served by anyone designated by the Chairman of the*
 17 *Commission.*

18 *The Commission shall not issue any subpoena for the at-*
 19 *tendance and testimony of witnesses or for the production of*
 20 *written or other matters which would require the presence of*
 21 *the parties subpoenaed at a hearing to be held outside of the*
 22 *State wherein the witness is found or resides or transacts*
 23 *business.*

24 *A witness may submit material on a confidential basis*
 25 *for the use of the Commission and, if so submitted, the Com-*

1 mission shall not make the material public. The provisions
2 of sections 102-104, inclusive, of the Revised Statutes (2
3 U.S.C. 192-194) shall apply in case of any failure of any
4 witness to comply with any subpoena or testimony when
5 summoned under this section.

6 (b) The Commission is authorized to secure from any
7 department, agency, or individual instrumentality of the
8 executive branch of the Government any information it
9 deems necessary to carry out its functions under this Act and
10 each such department, agency, and instrumentality is author-
11 ized and directed to furnish such information to the Commis-
12 sion upon request made by the Chairman or the Vice Chair-
13 man when acting as Chairman.

14 (c) If the Commission requires of any witness or of
15 any governmental agency production of any materials which
16 have theretofore been submitted to a government agency on a
17 confidential basis, and the confidentiality of those materials is
18 protected by statute, the material so produced shall be held
19 confidential by the Commission.

20 APPROPRIATIONS, EXPENSES, AND PERSONNEL

21 SEC. 9. (a) There are hereby authorized to be appro-
22 priated such sums, but not more than \$4,000,000, as may be
23 necessary to carry out the provisions of this Act and such

1 moneys as may be appropriated shall be available to the
2 Commission until expended.

3 (b) The Commission is authorized, without regard to
4 the civil service laws and regulations and without regard
5 to the Classification Act of 1949, as amended, to fix the
6 compensation of its Chairman and appoint and fix the
7 compensation of its staff director, and such additional per-
8 sonnel as may be necessary to enable it to carry out its
9 functions except that any Federal employees subject to the
10 civil service laws and regulations who may be employed
11 by the Commission shall retain civil service status without
12 interruption or loss of status or privilege.

13 (c) The Commission is authorized to enter into con-
14 tracts or agreements for studies and surveys with public
15 and private organizations and, if necessary, to transfer funds
16 to Federal agencies from sums appropriated pursuant to
17 this Act to carry out such aspects of the review as the Com-
18 mission determines can best be carried out in that manner.

19 (d) Service of an individual as a member of the Ad-
20 visory Council, as the representative of a Governor, or em-
21 ployment by the Commission of an attorney or expert in
22 any job or professional field on a part-time or full-time basis
23 with or without compensation shall not be considered as

1 service or employment bringing such individuals within the
2 provisions of the Act of October 23, 1962 (76 Stat. 1119).

3 *DEFINITION OF "PUBLIC LANDS"*

4 *SEC. 10. As used in this Act, the term "public lands"*
5 *includes (a) the public domain of the United States, (b)*
6 *reservations, other than Indian reservations, created from the*
7 *public domain, (c) lands permanently or temporarily with-*
8 *drawn, reserved, or withheld from private appropriation*
9 *and disposal under the public land laws, including the mining*
10 *laws, (d) outstanding interests of the United States in lands*
11 *patented, conveyed in fee or otherwise, under the public land*
12 *laws, (e) national forests, and (f) the surface and subsurface*
13 *resources of all such lands, including the disposition or restric-*
14 *tion on disposition of the mineral resources in lands defined*
15 *by appropriate statute, treaty, or judicial determination as*
16 *being under the control of the United States in the Outer*
17 *Continental Shelf.*

88TH CONGRESS
1ST SESSION

H. R. 8070

[Report No. 1008]

A BILL

For the establishment of a Public Land Law
Review Commission to study existing laws
and procedures relating to the administra-
tion of the public lands of the United States,
and for other purposes.

By Mr. ASPINALL

AUGUST 14, 1963

Referred to the Committee on Interior and Insular
Affairs

DECEMBER 7, 1963

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

Feb 25, 1964

second reading of the Civil Rights bill. pp. 3380-3

HOUSE

15. WATER RESEARCH. The Rules Committee denied a rule on S. 2, to establish water resource research centers at the land-grant colleges and State universities and promote a more adequate national program of water research. p. D135
16. LANDS; LAW. The Rules Committee voted to report a resolution for the consideration of H. R. 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the U.S. p. D135
17. BEEF IMPORTS. Rep. Langen voiced disapproval of the recently concluded agreement with Australia and New Zealand to voluntarily limit beef imports to the U.S. and charged that the agreement is setting a "dangerous precedent that could extend to other industries as well as agriculture." p. 3477
18. ELECTRIFICATION. Rep. King (N.Y.) urged that further expansion of REA be controlled by increasing the interest rate on their loans to cooperatives. pp. 3492-3
19. FOREIGN TRADE. Rep. Rooney (Pa.) inserted a statement urging the "elimination of inequities" in export and import rates through the reduction of foreign trade barriers. pp. 3486-91
20. TAXATION. By a vote of 326 to 83, agreed to the Conference report on H. R. 8363, the tax bill. See Digest 32 for items of interest. pp. 3424-51
21. ELECTRIFICATION. Both Houses received from the Federal Power Commission their annual report for the fiscal year 1963. pp. 3495-3310
Both Houses received from the Comptroller General an audit report of financial statements of TVA for fiscal year 1963 (H. Doc. 234). pp. 3495, 3310
22. TARIFFS. Received the annual report of the U.S. Tariff Commission. p. 3495
23. LANDS. The Public Lands Subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee with amendments the following bills: H. R. 5159, to authorize and direct that certain lands exclusively administered by Interior be managed under principles of multiple use and to produce a sustained yield of products and services; H. R. 5498, to promote the sale and beneficial use of certain public lands; and H. R. 8305, to provide that until June 30, 1968, Congress shall be notified of certain proposed public land actions, including withdrawals, reservations, etc., of national forest lands of 5,000 acres or more. p. D134
24. PEACE CORPS. The Rules Committee voted to report a resolution for consideration of H. R. 9666, to increase the authorization for the operation of the Peace Corps for fiscal year 1965 to \$115 million. p. D134

ITEMS IN APPENDIX

25. FARM LABOR. Extension of remarks of Rep. Leggett inserting a news release by John V. Newman, Calif. State Board of Agriculture, stating that the growers this year will not seek an extension of the Mexican farm labor program, but will look forward to "complete utilization of our domestic labor supply." pp. A882-3

26. POVERTY. Extension of remarks of Rep. Sickles inserting an article commending the President for his program to aid the poverty-stricken Appalachian region. pp. A883-4
27. AREA REDEVELOPMENT. Extension of remarks of Rep. White stating that he had an opportunity to see at firsthand the progress of a series of projects of the Area Redevelopment Admin. pp. A892-3
28. UNEMPLOYMENT; POVERTY. Extension of remarks of Rep. Finnegan commending and inserting John Cullerton's Ill. Dept. of Labor, article as "an approach" to the unemployment problem, that it deserves circulation and is of particular significance "in light of the administration's current war on poverty." pp. A893-4
29. SOVIET AGRICULTURE. Extension of remarks of Rep. Ellsworth inserting a Wall Street Journal article analyzing Russian agriculture failures. pp. A903-4

BILLS INTRODUCED

30. PATENTS. S. 2547, by Sen. Dodd, to fix certain fees payable to the Commissioner of Patents; to Judiciary Committee. Remarks of author, pp. 3311-2
31. PERSONNEL. S. 2549, by Sen. Randolph, to amend the Federal Employees' Compensation Act so as to permit injured employees entitled to receive medical services under such act to utilize the services of optometrists; to Labor and Public Welfare Committee.
32. MEAT IMPORTS. H. R. 10082, by Rep. Olsen, Mont., H. R. 10083, by Rep. Johnson, Calif., H. R. 10084, by Rep. Harding, H. R. 10095, by Rep. Montoya, and H. R. 10097, by Rep. Fisher, to restrict the imports of beef, veal, and mutton into the United States; to Ways and Means Committee. Remarks of Rep. Olsen, p. 3471, Rep. Harding, pp. 3420-1, Rep. Montoya, p. 3483, and Rep. Fisher, pp. A905-6.
H. R. 10085, by Rep. Martin, Nebr., to restrict the imports of certain meats into the United States during a 3-year period; to Ways and Means Committee.
H. R. 10099, by Rep. Jensen, to restrict imports of meat and meat products into the United States; to Ways and Means Committee. Remarks of author p. A894.
33. FISHERIES. H. R. 10087, by Rep. Cederberg, to authorize the Secretary of the Interior to make payments to reestablish the purchasing power of American fishermen suffering temporary economic dislocation; to Merchant Marine and Fisheries Committee.
34. HEALTH. H. R. 10088, by Rep. Fogarty, to provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging"; to Education and Labor Committee.
35. WEIGHTS AND MEASURES. H. R. 10089, by Rep. McClory, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures; to Science and Astronautics Committee.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Feb. 28, 1964
For actions of Feb. 27, 1964
83th-2nd, No. 35

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HIGHLIGHTS: Senate took up cotton-wheat bill. House Rules Committee denied rule on tobacco research bill. Sen. Keating criticized negotiations for sale of lard to Cuba. Sen. Goldwater inserted Dirksen-Halleck statements critical of U. S. foreign policy, including sale of wheat to Russia. Rep. Jensen urged passage of bill to restrict meat imports. Rep. Betts criticized Australia-New Zealand meat imports agreement. Rep. Findley criticized negotiations for lard sale to Cuba. House subcommittee reported Alaska agricultural land development bill.

SENATE

- 1. COTTON; WHEAT.** Began consideration of H. R. 6196, the cotton-wheat bill, after voting 57 to 19 to agree to the motion by Sen. Mansfield to proceed to consideration of the bill after objection had been raised by Sen. Keating (pp. 3708-16, 3720-1). Sen. Mansfield stated that he anticipated that debate on the bill would take several days (pp. 3699-3701). Sens. Aiken and Dirksen submitted amendments intended to be proposed to the bill (p. 3652).
- 2. PEACE CORPS.** The Foreign Relations Committee reported without amendment S. 2455, to increase the appropriation authorization for the Peace Corps from \$102 million for fiscal year 1964 to \$115 million for fiscal year 1965 (S. Rept. 881). p. 3640

3. CIVIL RIGHTS. Sen. Eastland objected to a unanimous-consent request by Sen. Mansfield to refer H. R. 7152, the civil rights bill, to the Judiciary Committee with instructions to report it back without recommendations or amendments to the Senate not later than noon, Wed., Mar. 4. pp. 3688-90
4. FATS AND OILS. Sen. Keating criticized reported negotiations by American businessmen for the sale of lard to Cuba and urged the Department of Commerce to take action under the Export Control Act to prevent such sales. p. 3653
5. FOREIGN POLICY. Sen. Goldwater inserted statements by Sen. Dirksen and Rep. Halleck critical of the conduct of U. S. foreign policy, including a critical reference by Rep. Halleck to the sale of wheat to Russia. pp. 3663-4
Sen. Talmadge inserted an article by May Craig, "A Woman Writer Takes a Critical Look at America," including a reference to the sale of wheat to Russia. pp. 3665-6
6. INTEREST RATES. Sen. Douglas inserted a series of questions and answers on the provisions of S. 750, the truth-in-lending bill to require disclosure of interest rates on extensions of credit. pp. 3671-7
7. ECONOMIC REPORT. The Joint Economic Committee agreed to file its report on the President's Economic Report on March 2. p. D147
8. APPROPRIATIONS. Agreed to a unanimous-consent request by Sen. Hayden authorizing the Appropriations Committee to report appropriation bills during adjournments and recesses this session of Congress. p. 3652
9. BALANCE-OF-PAYMENTS. Sen. Javits suggested measures to be taken which he stated would improve the balance-of-payments situation and inserted several items on the subject, including one stating that increased sales of agricultural products was a factor in the improvement of the balance-of-payments situation during the last half of 1963. pp. 3658-62
10. ELECTRIFICATION. Sen. Metcalf charged that the Virginia Electric & Power Co. was over-charging customers for electric power and inserted several items in support of his position. pp. 3654-8
11. PERSONNEL. Sen. Gruening inserted the testimony of Rep. Rivers opposing enactment of H. R. 7401, to terminate cost-of-living allowances for statutory-salaried Federal civilian employees in nonforeign areas. pp. 3670-1
12. STOCKPILING. Received the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on Federal stockpile inventories as of Dec. 1963, including agricultural commodity inventories. pp. 3640-0
13. EXPORT CONTROL. Both Houses received from Commerce a report on export control for the fourth quarter of 1963. pp. 3639, 3799
14. FOREIGN TRADE. Received the annual report of the U. S. Tariff Commission. p. 3639

HOUSE

15. PUBLIC LANDS; PEACE CORPS. The Rules Committee reported a resolution for the consideration of H. R. 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the U. S. (P. 3728); and H. R. 9666, to increase the authori-

88TH CONGRESS <i>2d Session</i>	}	HOUSE OF REPRESENTATIVES	}	REPORT No. 1158
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CONSIDERATION OF H.R. 8070

FEBRUARY 27, 1964.—Referred to the House Calendar and ordered to be printed

Mr. COLMER, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 642]

The Committee on Rules, having had under consideration House Resolution 642, report the same to the House with the recommendation that the resolution do pass.

○

House Calendar No. 201

88TH CONGRESS
2D SESSION

H. RES. 642

[Report No. 1158]

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1964

Mr. COLMER, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the Union
4 for the consideration of the bill (H.R. 8070) for the estab-
5 lishment of a Public Land Law Review Commission to study
6 existing laws and procedures relating to the administration
7 of the public lands of the United States, and for other pur-
8 poses. After general debate, which shall be confined to the
9 bill and shall continue not to exceed two hours, to be equally
10 divided and controlled by the chairman and ranking minority
11 member of the Committee on Interior and Insular Affairs,
12 the bill shall be read for amendment under the five-minute

1 rule. It shall be in order to consider the substitute amend-
2 ment recommended by the Committee on Interior and In-
3 sular Affairs now in the bill and such substitute for the pur-
4 pose of amendment shall be considered under the five-
5 minute rule as an original bill. At the conclusion of such
6 consideration the Committee shall rise and report the bill
7 to the House with such amendments as may have been
8 adopted and any Member may demand a separate vote in
9 the House on any of the amendments adopted in the Com-
10 mittee of the Whole to the bill or committee substitute. The
11 previous question shall be considered as ordered on the bill
12 and amendments thereto to final passage without interven-
13 ing motion except one motion to recommit with or without
14 instructions.

88TH CONGRESS
2D SESSION

H. RES. 642

[Report No. 1158]

RESOLUTION

Providing for consideration of H.R. 8070, a bill for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

By Mr. COLMER

FEBRUARY 27, 1964

Referred to the House Calendar and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
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Issued Mar. 11, 1964
For actions of Mar. 10, 1964
88th-2nd; No. 43

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HIGHLIGHTS: Senate committee reported bill to amend Watershed Act. Sen. Yarborough inserted Secretary Freeman's speech to Rice Growers Assn. Rep. Bennett spoke against further sale of wheat to Russia. House passed bill to establish Public Land Law Review Commission.

SENATE

1. **CIVIL RIGHTS.** Continued debate on H. R. 7152, the civil rights bill. pp. 4609-10, 4643-58, 4678-86
2. **WATERSHEDS.** The Agriculture and Forestry Committee reported without amendment S. 1790, to amend the Watershed Protection and Flood Prevention Act (S. Rept. 940). See Digest 42 for a summary of the bill.
3. **FOREIGN TRADE.** Sen. Yarborough inserted and commended Secretary Freeman's speech before the Rice Growers Association dealing with the problems of agricultural imports generally. pp. 4686-8
Sen. Morse inserted an article reviewing a recent conference in Hawaii on economic cooperation for development of trade in the Pacific area. pp. 4621-2

Sen. Dominick inserted an article opposing U. S. trade with Communist countries. p. 4624

4. ELECTRIFICATION. Sen. Metcalf inserted a series of articles analyzing the electric-power situation in the Missouri Valley. pp. 4626-31
5. MONOPOLIES. Sen. Humphrey inserted testimony favoring S. 1815 and S. 1935, to make Sec. 3 of the Robinson-Patman Act part of the anti-trust laws. pp. 4632-6

HOUSE

6. PERSONNEL; PAY. Rep. Harsha spoke in favor of a Federal employees' pay raise. pp. 4689
Rep. Udall inserted a resolution of the American Bar Association reaffirming its support of Federal salary legislation. pp. 4705-8
7. PUBLIC LANDS. Passed as reported H. R. 8070, to establish a Public Land Law Review Commission. pp. 4690-703
8. FOREST SERVICE. Rep. Morris commended a meeting between Forest Service Chief Cliff and National Park Service Director Hartzog, calling it the "beginning of a new day in Forest Service-Park Service cooperative effort," and mentioned the joint efforts of Secretaries Freeman and Udall to further cooperation between the two agencies. pp. 4704-5
9. TAXATION. Rep. Alger inserted a "descriptive analysis" of the tax bill. pp. 4709-11
10. FOREIGN TRADE. Rep. Bennett stated that, with another plane having been shot down over East Germany, he believed now would be "an excellent time to give notice that America will sell no more wheat nor extend any trade opportunities between our Nation and the Soviet Empire." p. 4715
11. RECREATION. The Committee on Interior and Insular Affairs reported with amendment H. R. 3194, to authorize Interior to make water available for a permanent pool for recreation purposes at Cochiti Reservoir, Colorado River Storage project (H. Rept. 1232). p. 4722

ITEMS IN APPENDIX

12. PRICES. Extension of remarks of Sen. Hartke including an article describing "the way in which product quality often deteriorates in the absence of legislation such as that the quality stabilization bill proposes." p. A1219
13. OPINION POLL. Rep. Derwinski inserted an opinion poll which includes questions on Government spending, farm programs, foreign aid, and a Federal employees' pay raise. pp. A1222-3
14. COTTON; WHEAT. Rep. Derwinski inserted an editorial stating that USDA would gain "tremendous power over all areas of farming" by the passage of the cotton-wheat bill. p. A1240
Rep. Dole inserted a comparison of the Purcell wheat bill (H. R. 9780) with the Cooley cotton and wheat bill (H. R. 6196). pp. A1223-4

House of Representatives

TUESDAY, MARCH 10, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Timothy 4: 17. *Notwithstanding the Lord stood with me.*

Eternal and ever-blessed God, in these days of crisis and confusion, may we be endowed with that insight and inspiration which will make us capable of the noblest thoughts and the most courageous actions.

Help us to understand that we cannot remain strong and steadfast amid all the pressures of life unless we have a vivid and vital sense of Thy presence and power.

We humbly confess that we are daily holding council together to consider what is best for our beloved country, but our efforts often seem so futile and fruitless.

Grant that we may be sensitive and attentive to the guidance of Thy spirit as we seek to know what kind of legislation will be most helpful in lifting humanity to new and higher levels of peace and happiness.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 72. Concurrent resolution relative to the death of His Majesty, King Paul of Greece.

DOCTORS OF VETERINARY MEDICINE IN THE ARMED SERVICES

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I have today introduced a bill to remove certain inequities pertaining to veterinarians of the uniformed services. My bill would amend titles 10 and 37, United States Code, so as to provide authorization of 4 years constructive service credit to veterinary officers now on active duty with the uniformed services and to those veterinarians hereinafter appointed veterinary officers. In addition, the 4 years service credit would be counted for promotion and seniority, in computing service for basic pay, and as a multiplier in determining retirement

pay after completion of 20 years active duty.

To understand the need for this legislation and the importance of the veterinarian in the military services, I think it is essential to list briefly certain functions of the veterinary officer. These activities among others include: food inspection; control of animal diseases transmissible to man; research in all projects involving food or animals; experiments in the field of nuclear energy to determine the effects of radiation on animals, and by extrapolation, upon man; experimental research involving food preserved by radiation, and biological research in passive defense.

It should also be noted that under present law, Public Law 83-459, the constructive service credit for veterinary officers is 3 years, as compared to 5 years and 4 years service credit for medical and dental officers respectively, as authorized by Public Law 84-497. Furthermore, veterinary officers may not count their constructive service credit, as medical and dental officers are permitted under Public Law 84-497, for promotion and seniority, in computing basic pay, and as a multiplier in determining retirement pay after 20 years active duty.

The purpose of the proposed legislation is simply to do away with these discrepancies, and provide an additional year of constructive service credit for the veterinary officer.

SHEER HYPOCRISY

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, tomorrow, the House will consider modernization of the Federal salary systems. One of the most ridiculous provisions of this act is to provide salary increases for Members of Congress in the amount of \$10,000.

This is sheer hypocrisy. We have promised the American people that this Government will cut expenditures. Many pious pleas were made on this floor advocating the tax cut, but at the same time, stating that expenditures must be held down to make the tax cut an effective one.

What is to become of those promises now? Were they mere idle words to lull the American voter into a false sense of security? To say the least, raising congressional salaries by 44 percent is breaking faith with the American taxpayer.

This is certainly an unwarranted and unconscionable increase, and represents fiscal irresponsibility at its worst.

The average American wage and

salary earner has an annual income of \$5,000, and to increase congressional salaries by twice that annual wage is blasphemous.

What about the poor social security pensioner who is expected to live on a monthly stipend of \$73?

My office is constantly flooded with mail from these people asking for a modest increase; yet, we fail to heed their requests, and now we propose to increase our own salary by 44 percent. Who do we think we are kidding?

The postal employees and classified civil service employees were promised an increase in 1962, after a comparability study. That study indicates they are entitled to a raise, and I support that part of the bill. But, to raise the executive branch, judicial branch, and legislative offices by such ridiculous sums, I cannot stomach.

I fail to comprehend the logic of Congress in advocating economy and tax reduction and encouraging labor and industry to hold the line on wages and prices, on the one hand, then with the other, raise the salaries of elected and appointed Federal officials by such an excessive amount.

I shall offer an amendment to strike salary increases from the bill for Members of Congress, the executive branch, and the judiciary branch.

THE DEATH OF HIS MAJESTY, KING PAUL OF GREECE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 72) relative to the death of His Majesty, King Paul of Greece.

The Clerk read the concurrent resolution, as follows:

Whereas with the death of King Paul, Greece has lost a great ruler who led his country from the terrors of Civil War to peace and increasing prosperity;

Whereas King Paul ruled as a wise and gracious constitutional monarch and maintained and furthered his country's ancient and powerful democratic traditions;

Whereas King Paul led his country into close alliance with the United States of America and with the other freedom-loving countries of Europe;

Whereas with the death of King Paul, the United States of America loses a true and understanding friend;

Whereas the people and Government of the United States hold Greece and its people in high regard and esteem, and wish the young Monarch, King Constantine, and the Government of Greece well as they face their high tasks: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That His Majesty Constantine, King of the Hellenes, Her Majesty Queen Frederika, and the Government and people of Greece be told of the heart-

felt sympathy of the Congress of the United States of America in this their hour of tragedy.

SEC. 2. The Secretary of State is requested to convey this resolution to His Majesty Constantine, King of the Hellenes, Her Majesty Queen Frederika, and the Government of Greece.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SMITH of Iowa. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present.

Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 61]

Ashley	Goodling	O'Brien, Ill.
Avery	Grabowski	O'Neill
Barrett	Gray	Osmers
Bass	Green, Oreg.	Passman
Brown, Calif.	Hagan, Ga.	Pepper
Buckley	Hall	Philbin
Byrnes, Wis.	Hoffman	Powell
Cameron	Holland	Rains
Celler	Jarman	Reld, N.Y.
Clark	Joelson	Reifel
Cleveland	Jones, Ala.	Roberts, Ala.
Davis, Tenn.	Kee	St. Onge
Diggs	King, Calif.	Scott
Donohue	McDade	Sheppard
Dowdy	McDowell	Staebler
Duncan	Macdonald	Steed
Elliott	Martin, Calif.	Thompson, N.J.
Ellsworth	Mathias	Weaver
Flinnegan	Meador	White
Flynt	Miller, N.Y.	Willis
Frelinghuysen	Murray	Wyman
Gialmo	Nelsen	
Glenn	Norblad	

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRAYER IN PUBLIC SCHOOLS

(Mr. BECKER asked and was given permission to address the House for 1 minute.)

Mr. BECKER. Mr. Speaker, there are now 160 signatures on discharge petition No. 3, known as the prayer amendment to the Constitution. I am sorry Members are getting so much mail complaining about it; on the other hand, I am very happy that the people of this Nation are very much disturbed over the fact that prayer and the reading of the Bible have been removed from the public schools. I think they are more discouraged because recently many of the high schools throughout the country are having trouble in their commencement exercises in connection with the usual invocation and benediction. Protests are being made about this from one end of the land to the other.

It is coming to pass where you will not even be able to say "In God We Trust" or "Under God" in the public schools or high schools of this country. I think the Members of the House have an opportunity now to show the same courage the Speaker showed, after the Supreme Court made that decision, in putting that motto up there over the dais in the House of Representatives, "In God We Trust." I urge you to sign this petition now and get this legislation on the road.

ESTABLISHMENT OF PUBLIC LAND LAW REVIEW COMMISSION

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 642 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interior and Insular Affairs now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervention motion except one motion to recommit with or without instructions.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the minority, to the gentleman from New York [Mrs. ST. GEORGE], and pending that I yield myself such time as I may consume.

In brief, Mr. Speaker, and I shall be very brief, this is a bill which would set up a commission of some 19 members to study the question of public lands in this country and to make suitable recommendations as a result of that study for the administration of the public lands and possibly for disposal of some public lands unnecessarily held by the Government, and for other purposes.

Mr. Speaker, I am very much interested in this matter. I think it is something that is long overdue. It is estimated that more than 18 million acres of land are owned by the Federal Government. I am satisfied that much of that land, or at least a substantial portion of it, is not necessary for the use of

the Government and, therefore, could be disposed of to good purpose.

Mr. Speaker, I think, if I might have the attention of those who are interested in this matter, I would like to call attention to the fact that some years ago, I was out in the West as a member of the National Forest Conservation Commission looking over some of our national forests. I had been discussing with my host, one of the foresters of that area, the question that I have discussed frequently on this floor, namely, the enormous public debt. My host pointed across the Golden Gate Bridge to several hundred acres of beautiful land lying over there that was acquired early in the history of this country by the War Department in the interest of national defense to protect the Golden Gate. He remarked, If you are interested in retiring the national debt, you could make a good start by the Government disposing of that land which is very much in demand in that vicinity for housing and for other purposes and which would bring a considerable revenue.

Mr. Speaker, this bill is sponsored by the very able and very efficient gentleman, the chairman of the committee, the gentleman from Colorado [Mr. ASPINALL] who always does a good job when he is entrusted to legislate.

I think that much good can come out of the enactment of this bill, and I hope the resolution will be adopted. I know of no opposition to the rule and I hope the bill, in turn, will be adopted.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from New York [Mrs. ST. GEORGE].

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, House Resolution 642, makes in order the consideration of the bill, H.R. 8072. I know of no objection to the rule.

I think we are all agreed that our public lands have been exploited and that something should be done for their protection. But there are certain objections I think I should call to the attention of the House.

First of all, in the minority report, and there is a very brief minority report, I think the matter is very succinctly described in these words:

The proposed commission of 19 members, numerous liaison officers representing unspecified Federal departments and independent agencies, and an advisory council of 25 additional members, plus 50 Governors' representatives, would represent an unwieldy group of conflicting interests for the purpose of revising our public land laws.

This, I think, Mr. Speaker, is something we should consider. The rule is an open rule. The bill can be amended and it would seem that possibly this enormous commission could, perhaps, be brought down to, shall we say, a less unwieldy size.

Some of us have been fearful for some time that gradually our country is becoming governed entirely by commissions.

Commissions are necessary. In some instances they are useful. They have

done a useful job in the past. Now, it seems, we turn to them for everything.

Some Members of Congress will serve on this commission, and that certainly is as it should be. The Members of Congress, at least, will not cause great expense, because I note the report provides that the Members of Congress who are members of the commission shall serve without compensation in addition to that received for their services as Members of Congress. That is all to the good. They should serve without added compensation.

On the other hand, the members to be appointed by the President each shall receive \$50 per diem when engaged in the actual performance of duties vested in the commission, plus a reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties. This is, of course, quite usual, but when considering a commission of this size we must realize it will amount to a considerable sum.

I also wish to point out that the bill will cost \$4 million and this item is not in the budget. Here again we are going overboard; after saying that we do not want to spend money, that we want to retrench, that we want to economize. Since making that statement and since voting on that premise for the tax cut, we have done nothing, so far as I can observe, on the floor of the House except to add to the national deficit and add to the budget.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to my friend the gentleman from Iowa.

Mr. GROSS. I thank the gentlewoman. What about the Governor's representatives? Will they be paid?

Mrs. ST. GEORGE. I presume they will be paid on the same basis as the Presidential appointees. Let me check to see exactly what they will get.

Nothing is said about their compensation in the report. I have not looked at the bill, but I have read the report.

Mr. SAYLOR. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I am happy to tell the gentlewoman that only those appointed by the President and the person selected, representing the Members of the House and of the Senate, who will be the actual manager or comptroller and will be in charge of this program, will be paid. Then the pay will only be for the days worked.

Mrs. ST. GEORGE. I understand that. I said to the gentleman that the Members of Congress are not to be paid anything in addition.

Mr. SAYLOR. The Members of Congress are not to be paid.

Mrs. ST. GEORGE. No. Are the persons to be employed through the Governors to receive no compensation at all?

Mr. SAYLOR. They are to receive no compensation at all.

Mrs. ST. GEORGE. I thank the gentleman for that statement because that brings it more into line.

Mr. Speaker, I know of no objection

whatsoever to the rule. I have called the attention of the House to the provisions of the bill itself to which there may be objection. I believe we should carefully consider the adding of \$4 million to the budget, as well as the size of the commission.

Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. ARENDS].

CATTLE PRICES

(Mr. ARENDS asked and was given permission to revise and extend his remarks and to include extraneous matter and to speak out of order.)

Mr. ARENDS. Mr. Speaker, 11 years ago, as a U.S. Senator from Texas, Lyndon B. Johnson was much more concerned with cattle prices than he seems to be today as President. On May 27, 1953, he placed the following statement in the CONGRESSIONAL RECORD:

There is growing concern among the cattlemen of Texas over the continuing downward trend of cattle prices. Many of these cattlemen of my State, especially those with relatively small herds and no other source of income, are facing economic ruin. Yet there seems little general recognition of this fact.

The problems confronting the livestock industry today are even more serious. Back in 1953, it was drought which forced heavy marketings of cattle from the range country at depressed prices. Now it is recordbreaking importations of beef and veal, coupled with the delayed action results of the Government's own corn dumping program of 1961-62, which have wrecked the cattle market.

On Monday of this week, choice steers brought \$22.75 per hundred pounds in Chicago—down \$2 per hundred from a year ago and \$6 less than for the same date in 1961. In recent weeks, heavy prime steers sold at the lowest levels since OPA controls were ended 18 years ago.

Many cattle feeders lost from \$20 to \$50 per head on every steer they marketed in recent months. This, naturally, has sharply depressed prices for feeder cattle. The fallout is also felt in the dairying areas of the country. Cows which would have been culled and shipped to the packinghouse, if beef prices were favorable, are instead kept in the herd, contributing further to Secretary Orville Freeman's already more than ample supply of dairy products. Many cattle feeders who grow their own corn are preparing to deliver it to the Department of Agriculture under the loan program, rather than utilize it on the farm.

All of this was predictable and, in fact, many of us from the Corn Belt did predict what would happen after Mr. Freeman began his corn-dumping program. On February 1, 1962, I said here in the House:

Since October 1, CCC has been dumping corn into the marketplace at the fantastic rate of more than 100 million bushels each month.

Congress must call a halt to the Government's present feed grain sales policies before the Nation's farm marketing system is completely wrecked.

The current mess in agriculture embraces not only the feed grains area. It includes wheat, cotton, the entire poultry industry

and the dairy industry, to list only a few. It may well include the hog and cattle segments of agriculture before the year ends. The Government's policy of making vast stores of feed grains readily available at bargain basement prices can only encourage unsound expansion in livestock numbers and a subsequent price collapse.

Now the collapse has come and it has been further aggravated by the failure of the Administration to take effective action against mounting imports of foreign beef. In fact, the so-called voluntary agreements recently concluded with Australia, New Zealand, and Ireland actually insure that by 1966 beef and veal importations will reach a new record high.

Last year about 11 percent of the beef consumed in the United States was produced abroad. The effects of this are being felt not only by cattle and ranchers but by cash growers, as well. It has been estimated that if the meats imported into the United States in 1963 had been produced here instead, about 200 million bushels of our feed grain surplus would have been utilized in the process.

Adding insult to injury, Secretary of Commerce Luther H. Hodges, speaking in Fargo, N. Dak., advised American cattlemen to quit "whining" about beef imports and get to work selling beef to other countries. What the Secretary apparently does not realize is that virtually all of the countries where American beef might be in demand have import levies and quotas designed to protect their own producers from outside competition. There is a strong trend in the Common Market countries, for example, toward tighter restrictions on agricultural imports.

The United States is less protectionist on farm imports than any other major industrial nation. Trade between nations should be a two-way street, however. It is becoming increasingly evident—as witness the recent meat import agreements—that we are being "out-negotiated" on the agricultural trade front.

Net income of American farmers declined by \$340 million last year and a further drop of more than \$600 million is forecast for 1964. In view of this, it seems to me that the Johnson administration should be thinking more about the problems confronting American farmers and less about the plight of farmers in other countries. Obviously the tariff negotiations of other nations are thinking of their own producers first.

The cattle industry is the largest single source of U.S. farm income. Today it is a sick industry. Many cattlemen, especially the smaller ones, are in deep financial trouble. Their difficulties may become even worse. None of this had to happen. The problems of American cattlemen have been brought on primarily by the feed grain programs of the Department of Agriculture and the tariff policies of the State Department.

The time has come for Congress to tighten import restrictions on foreign beef and veal. Obviously the administration will not act to protect the cattle industry.

I insert in the RECORD an article from the Farm Bureau News of March 2, 1964,

which bears on the situation confronting the cattle industry:

FARM BUREAU CALLS MEAT AGREEMENTS
"BETRAYAL" OF U.S. AGRICULTURE

The president of the American Farm Bureau Federation has sent a letter to Secretary of Agriculture Orville L. Freeman outlining Farm Bureau's position on the recent U.S. meat import agreements with Australia and New Zealand.

"Your telegram announcing the agreements which have been entered into with the governments of Australia and New Zealand with respect to the importation of meat, concludes with the sentence, 'Livestock producers will benefit materially and immediately,' Charles B. Shuman told the Secretary. 'I couldn't disagree with you more,' he said. 'Government supply management on an international scale is no better than the domestic variety which has been rejected by both the Congress and American farmers.'

"As you know, we opposed from the outset proposals to deal with the meat import problem through the negotiation of a so-called commodity arrangement. We have had enough experience with international commodity agreements to know that they are worse than worthless in promoting and protecting the interests of farmers and ranchers.

"Instead of being worthy of commendation, these particular agreements amount to a betrayal of American agriculture. The effect is to give foreign competitors assurance that they will be able to increase sales in the U.S. market in the future in return for a relatively small, temporary cutback. This must come as a shocking disappointment to most of those associated with this abortive effort.

"Cattle feeders particularly have suffered from a sharp decline in prices. Your Department has estimated the 1963 decline in choice steer prices at \$3.70 per hundred-weight with about 50 cents of it attributable to increased meat imports and about \$3.20 due to the effect of the increased meat supply produced domestically. This may or may not be an accurate appraisal.

"What has not been made clear is that the major cause of the decline in fed cattle prices has been the dumping of CCC owned stocks of feed grains in 1961 and 1962. This action artificially depressed feed grain prices and set in motion the buildup in cattle and hog numbers. Official USDA statistics reveal that corn consumption by cattle on feed in 1963 was 32.9 percent greater than in 1960. Cattlemen are now reaping the heart-breaking results of this mistaken policy, which apparently was inaugurated in a desperate attempt to make the so-called emergency feed grain program look like a success instead of the dismal failure it has been.

"As bad as the recently concluded meat agreements are in and of themselves, there is another most important and far-reaching aspect that deserves attention. Our negotiators at the upcoming trade negotiation sessions have a difficult enough job to perform in insisting on realistic reduction in trade restrictions, including nontariff restrictions, against U.S. exports. The precedent established by our Government having agreed to a meaningless commodity arrangement in the case of meat imports provides an additional burden to bear. This action has the effect of cutting the ground out from under the U.S. representatives at the following trade negotiations and constitutes a grave disservice to all farmers and ranchers in the United States."

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered. The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the

Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8070, with Mr. ABERNETHY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ASPINALL. Mr. Chairman, I yield myself 15 minutes.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, the legislation which the Committee on Interior and Insular Affairs brings to the committee today is important legislation. Our committee has jurisdiction, among other things, over the public land areas of the United States, over mines and mining on public lands, and mines and mining questions and over national parks. All of the national parks which have been reserved out of the public domain come under the jurisdiction of this bill being a part of the public domain lands.

I have been a member of this committee going on 16 years. During all of that time there has been a constant conflict in the public land area between the legislative branch and its constitutional responsibility in trying to make congressional policy and the executive department in its constitutional responsibility of determining administrative policy. It is an admitted fact that when the legislative responsibility fails, when the Congress of the United States refuses to accept its responsibility, that the Executive Department then moves in and takes over. There is no other course for it to take.

Many of our problems today which are a source of irritation I think to every Member of this body, as far as I know, because practically every Member of this body has written to me about conflicting questions of jurisdiction and responsibility on public lands, which must be taken care of sooner or later. We began our Public Land Law operation with the adoption of the Northwest Ordinance. We have continued down to the present time. What we have now is a hodge-podge legislative and administrative of policy and no one knows exactly who has responsibility and why.

Mr. Chairman, the values that are involved in this legislation are enormous and I would call the attention of my colleagues to the fact that in one area alone, which is less than one fourteen-hundredths part of the total public domain we have values of approximately one and a third trillion dollars.

Mr. Chairman, how are we going to resolve the disposition or retention or the development of these values if Congress does not act on such matters? Most certainly the executive department must make its determinations if we do not.

Mr. Chairman, the only opposition that has been voiced against this program was the opposition that the distinguished gentlewoman from New York [Mrs. St. GEORGE] brought to our attention and that had to do with the size of the Commission and those attached to it, as well as the complexity of the work.

Mr. Chairman, my answer to that is; that that is the reason why we are here and why we do not take care of this matter with this legislation by action of the committee that has jurisdiction over these problems. We do not have the staff, we do not have the time, and we do not have the space to take care of the tasks which confront the Congress and the American people in these problems. It is because of this that for the next few minutes I shall refer to the manuscript which I have prepared, because I wish my colleagues to understand what is involved in the public lands program of the United States.

Mr. Chairman: As the sponsor of H.R. 8070, I am particularly pleased to stand here today as the chairman of the Committee on Interior and Insular Affairs and recommend its enactment in order to provide for the establishment of a Public Land Law Review Commission. The simple objective of this bill is to provide for a long overdue comprehensive review of the public land laws of this Nation.

To indicate the magnitude of the public lands of the United States I point out that of the 769.9 million acres of federally-owned land in the United States 718.1 million acres, or 93.3 percent, are public domain. For the record, I call your attention to the fact that the public domain is land that came into Federal ownership initially and has never been transferred to non-Federal ownership.

Approximately half of the public domain of the United States is in the contiguous 48 States—that is the lower 48 as our Alaskan fellow citizens refer to—and the balance of 365.4 million acres is in Alaska; there are no public domain lands in Hawaii.

As background for this legislation—and I would like to say that Congress has been studying this very complex problem for many Congresses, that there have been bills introduced which had as their purpose heretofore of setting up some sort of a study commission—I should also like the Members to bear in mind that there are public domain lands in 30 of the 50 States ranging from insignificant amounts to millions of acres. We are sometimes staggered when reminded that approximately one-third of the total land area of the United States is owned by the Federal Government. But, the percentage of Federal land in many of the eastern States is 1 percent or less.

While the public lands are situated in over half of the States, the concentration of public domain, except for Alaska, is in the 11 western States where the economy relies heavily on the use of the public domain.

These public lands are governed today by approximately 5,000 statutes of which the Secretary of the Interior, our former colleague the Honorable Stewart L. Udall, recently said:

Our statutory setup for administering these lands reminds me of a ghost town that time has passed by. We are being forced to use horse-and-buggy statutes in a guided-missile age.

Our first public land law was adopted by the Continental Congress in its Ordinance of 1785, providing for the sale of public lands. From then, through the early years of the Union's struggle to survive, disposition of public lands provided a ready source of revenue.

Thereafter, the public lands—which were plentiful—were used to pay soldiers for military service, and as inducements to encourage the opening and development of the West through the construction of railroads, for use as school sites, and for homesteading. Two of the most important laws in the settlement and development of public lands were the Homestead Act of 1862 and the Mining Law of 1872.

Although we have enacted specific statutes for the setting aside of national forests, national parks, and national monuments, our public land laws were and remain to this day basically laws of disposition. There are, however, no general statutory guidelines for the determination of which public lands should be retained by the Government and not be allowed to pass into non-Federal ownership.

The most recent act of wide application is the Taylor Grazing Act of 1934 which authorizes certain withdrawals in order to promote the highest use of the public lands pending its final disposal.

I think it is self-evident that our post-World War II Nation differs considerably from even the United States of 1934 and is vastly different from the time that we were developing laws designed to provide for the settlement of the West during the last half of the 19th century.

As chairman of the Committee on Interior and Insular Affairs and as the Representative of a district that has a large acreage of public lands, I have been keenly aware that the expansion of our population and of commerce and industry has created demands for the use of public lands that cannot be satisfied under existing law. Likewise, the increased leisure time of this increased population has resulted in a requirement for recreation areas.

At this point I would like to make it clear, Mr. Chairman, that I believe that some of the public lands of the United States, although not reserved under statutory authority for retention by the Federal Government, are not suitable for disposition and that provision for retention in Federal ownership will be necessary. But, let me also hasten to add that I think we must find the means to provide for the transfer of much of this public land into non-Federal ownership and provide development and, at the same time, broaden the tax base of communities affected.

Throughout the 15-plus years that I have served in Congress, during all of which I have been a member of the Interior and Insular Affairs Committee, we have tried to cope with fragments of this problem. Republican and Demo-

cratic administrations alike have submitted Executive communications recommending modification of the public land laws in one or another respect. Some form of substantive amendment to the public land laws has been considered in each Congress since the 80th; but no major revision has been adopted.

In the 86th and 87th Congresses our Subcommittee on Public Lands held extensive hearings on and spent considerable time in discussion of legislation designed to provide for the disposal of public land for community expansion and for residential, commercial, and industrial development.

We came to the conclusion, Mr. Chairman, that this matter of public land law revision could not be handled on a piecemeal basis. The need for the retention of lands for recreation use cannot be separated from the need to provide land for private development—the rules for one procedure must be integrated with the rules for the other. Congress must face up to its constitutional responsibility “to dispose of and make all needful rules and regulations” pertaining to the public lands. We cannot allow a public land policy to be developed negatively by default of Congress; and still that is what we are doing when we allow the executive branch, without proper statutory guidelines, to decide which lands should be retained and which lands should be sold.

On October 15, 1962, as a step toward recapturing the proper role of Congress, I addressed a letter to the President of the United States soliciting the assistance of his Office to facilitate enactment of public land legislation. In his response January 17, 1963, President Kennedy outlined many of the problems facing the Federal Government in connection with its public land ownership and concurred in the “view that the system warrants comprehensive revision.”

It seemed to me that the first step toward revision is find out where we stand at the present time with relation to administration of existing law. We therefore asked the Legislative Reference Service of the Library of Congress to summarize the public land laws and identify the manner in which congressional mandates were being carried out, or the manner in which the executive department has stepped in where Congress has failed to act. They estimated that a compilation of readily available legislative and executive materials alone would cost approximately \$190,000 and, of course, involve the hiring of additional personnel. The library estimated that the cost would be approximately twice as much, or \$380,000, to provide a study reviewing all actions of both Congress and the executive branch.

These estimates did not include the cost of an analysis of the materials compiled nor the cost of space, furniture, or office equipment.

I think it is safe to say, Mr. Chairman, from our conversations with the people at the Legislative Reference Service that a comprehensive study by that organization would cost approximately \$1 million

and when completed would only represent the beginnings of the study that is needed.

I considered the possibility of having either the Public Lands Subcommittee or a Special Subcommittee of the Interior Committee, with an enlarged committee staff, undertake the task of reviewing the public land laws. But the difficulty, I concluded, is that we would not be able to get the broad type of consideration that should be given to this matter.

H.R. 8070 provides for the establishment of a 19-member Commission made up of 6 Members of the House and 6 Members of the Senate plus 6 members to be appointed by the President and a Chairman to be elected by the first 18. I submit that it is the most practicable way to approach this problem and I urge adoption of the bill.

I would suggest to my colleagues that what we have endeavored to do here is to follow the guidelines and the operations of the Outdoor Recreation Resources Review Commission, which made one of the finest studies of what is going to be demanded and what is presently demanded of the United States in regard to the recreational facilities for our people. If we had not made that study, I am sure that we would have been in more difficulty today regarding this matter of recreation—the Federal Government's part in the matter, the State governments' part in the matter, the local governments' part in the matter, and the coordination of all, so that the people who are using our facilities and the people who are administering and supervising these facilities for recreation could be brought into harmony with each other—than we are.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman.

On page 17 of the bill I note the Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act, to hire personnel. Why did you set aside the civil service laws and the Classification Act?

Mr. ASPINALL. May I say to my colleague from Iowa that this is the language that was used in the Outdoor Recreational Resources Review Commission legislation. It is in order to get the qualified talent that is necessary for the report and not tie them into the classified civil service itself.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Washington.

Mr. WESTLAND. I should like to compliment my good friend from Colorado on his usual comprehensive and detailed analysis of this legislation, and compliment him also for his diligence in pursuing this subject, which is so involved. It has been a matter for study by the committee for many years. I think it has bipartisan support on the committee, as indicated by the fact that the membership on the Commission itself is completely bipartisan. I want to

support this legislation. I think it is one of the good bills to come out of the committee.

Mr. ASPINALL. May I reply to my colleague from Washington that it is my hope that the President in making his appointments will keep in mind the non-partisan aspect of this Commission.

Mr. WESTLAND. If the President will act in the same manner as the committee acted, that is what he will do; and I hope he will.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. GROSS. Also on page 17, I note that the Commission is authorized to enter into contracts or agreements. I assume this means it can go out and hire consulting firms.

Mr. ASPINALL. This means, if I may reply to my colleague, the gentleman from Iowa, that here too we followed the same procedure that was set up in the Outdoor Recreational Resources Review Commission statute—the Commission may have access to specialists who can do the work at a fair price. This does away with the necessity of loading up the staff in order to take care of these particular studies that are desired.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point.)

Mr. DON H. CLAUSEN. Mr. Chairman, I want to join my colleagues in supporting H.R. 8070—a bill designed to study existing laws and procedures on public lands of the United States. The chairman, the gentleman from Oklahoma [Mr. ASPINALL] and members of the Interior and Insular Affairs Committee are to be highly commended for their leadership and consideration of this legislation. It is long overdue. There are far too many laws in conflict and redundancy prevails throughout.

In my district on the north coast of California, we are very much concerned about public land laws because of our high percentage of public land ownership. I believe this bill is a great step forward in bringing into proper perspective the complicated laws restricting the proper and orderly development of our lands. In keeping with good conservation practices, it is necessary to retain certain lands in public ownership. However, the Congress should recognize their responsibility by making a payment in lieu of taxes for lands owned within the boundaries of a local political subdivision. This payment to a school district or county would go far toward broadening the income base and at the same time promote conservation programs so urgently needed to preserve certain esthetic values throughout our great Nation. I would suggest the Public Land Review Commission give serious study and thought to this in-lieu-payment principle at an early date. Further, I would recommend that the Commission consult the public-land experts of the National Association of County Officials to ascertain the interests and problems of this very responsible organi-

zation. States and local units of government throughout this Nation are faced with a serious dilemma in meeting their demands for public services. We at the Federal level must take the lead in doing everything possible to promote self-sufficiency at the grassroots level of government.

A proper step would be to inventory our public lands, determine which lands are needed for public purposes, consider possible exchanges to promote the conservation interests, then sell the remaining lands to our private sector. The receipts from the sale of these lands could then be applied toward the reduction of our national debt and at the same time release lands to the private sector for long-range development, thus broadening the tax base of States and local units of government, thereby enabling these political subdivisions to be more self-sufficient in their own right and less dependent on Central Government. The strength of America lies in the foundation of our Federal system—we must do everything in our power to promote this philosophy.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may require.

(Mr. SAYLOR asked and was given permission to revise and extend his remarks.)

Mr. SAYLOR. Mr. Chairman, and members of the Committee, I support wholeheartedly the enactment of this bill in order to help get a bipartisan review of our public land laws underway.

Let me make it clear at the outset that this bill is not everything I hoped it would be or that it could be, but I think it is as comprehensive as we can realistically hope to get at this time. Personally, I would have preferred legislation that would have provided for the establishment of a commission with broader powers and with a charter that would enable it to study the entire fabric of our water laws as well as our public land laws because they are so intertwined that I do not believe you can study the one without the other. But, I do not have the majority of the committee with me, and I therefore support the present bill as a necessary first step in the reevaluation of natural resource management in this country.

The bill that has been brought to the floor today is better than the bill as introduced originally. It has been revised to provide for a bipartisan commission modeled after the plan of the Outdoor Recreation Resources Review Commission on which I had the honor and privilege to serve. The Commission itself will be assisted by an Advisory Council, an instrumentality that likewise was utilized with great success by the Outdoor Recreation Resources Review Commission.

Mr. Chairman, I shall not take the time of the Committee to go into the details of the bill that have been discussed by the chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL] and will be discussed by the chairman of the Subcommittee on Public Lands, the gentleman from Nevada [Mr. BARING]. I do, however, want to bring a few salient

facts to your attention and emphasize the need as seen from my vantage point for a comprehensive review of the public land laws.

I have heard since coming to the floor today the comment that this bill is calling for the establishment of a commission and the expenditure of approximately \$4 million and some people have thought this is a tremendous expenditure of money. I do not want anyone to believe I think the sum of \$4 million is a small amount of money. But let me call your attention to several figures which have recently been published—one by the Secretary of the Interior some short time ago placing the estimated value of the surface of the public lands which are owned by the peoples of the United States at a conservative value of \$320 billion. That, my friends, is equal to the national debt—this is what you, the American people own. I would like to point out one other little factor to give some idea of the amount of money that some of the public lands that you own are bringing into your Treasury.

The Bureau of Land Management has just published the figures on the receipts of revenue from the Outer Continental Shelf from 1955 until 1963.

Your Government—you, the people—has secured from this one facet of your property in that period of time \$795,604,060.61 in rent. You have received in royalties from that same asset \$24,858,403.36. There is in escrow, for lands that are in dispute between several of the States and the United States, the sum of \$624,842,112.24. So the total amount of money involved for this one asset of yours, which we are handling, is \$1,445,304,576.21. When you call upon a committee of Congress to handle that amount of money, I believe it behooves you to look as well at the amount we are asking you to spend to make this Commission possible to survey and determine what are the laws which govern the handling of this property, and what our future policy should be with regard to the lands you the people of the United States own.

Mr. ASPINALL. Mr. Chairman, will my colleague the gentleman from Pennsylvania yield?

Mr. SAYLOR. I am happy to yield to the chairman of the full committee.

Mr. ASPINALL. I feel that perhaps some of our colleagues may have noted a difference between the figure of 1½ trillion which I used and the \$320 billion figure used by the gentleman from Pennsylvania.

I was referring to the oil shale deposits to be found on the public domain in Colorado, Wyoming, and Utah; and it is estimated that there are available in that area 1½ trillion barrels of oil, for use at some time in the future. This, of course, is a subsurface value.

I bring this out, because our question is: Who is to make the decision as to how these are to be handled or disposed of, leased, and so forth? Is that to be done by administrative action, as it is done at the present time, or should Congress have something to say about the treatment of assets of such an enormous value.

Mr. SAYLOR. I thank the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL].

One of the questions we must decide today is whether we shall continue to permit the executive branch of Government, and the executive agencies downtown to make all the decisions with regard to our public lands or whether we shall measure up to the responsibilities placed upon us by the Constitution of the United States.

Article 4, section 3 provides:

The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

What this bill does is authorize a Commission to study the present laws and regulations and make broad recommendations as to what our policy should be in the future so that Congress can properly exercise the power placed on it by the Constitution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. So long as we are kicking figures around, let us take a look at the public and private debt of this country, which, on December 31, 1963, was \$1,095 billion. I wonder if, by the same logic, we ought not create a commission to tell us what to do with the public and private debt of this country. If we are just going to kick a lot of figures around in justification for this sort of thing, we might as well do that.

Mr. SAYLOR. I say to my colleague the gentleman from Iowa that I do not believe we are kicking figures around. If his figures had any relevance to the bill now under consideration, I would certainly support him, and if when such a bill is presented to the floor maybe such a bill will have my wholehearted support.

The gentleman from Colorado [Mr. ASPINALL] has stressed the magnitude of the public lands and emphasized that the heavy concentration of public domain is in Alaska and the 11 western continental States. But make no mistake about it: The management, the use, and the possible disposal by sale or otherwise of these public lands—which belong to all the people of the United States—is important to us in the East, and you in the North and South, as well as to those in the West.

It has been pointed out that the public domain is that land that came directly into Federal ownership and, in its purest sense, has never been in non-Federal ownership. It has further been pointed out that the United States owns within the 50 States 769.9 million acres of land, of which 718.1 million acres are public domain. Just as important, and what has not been pointed out, is the fact that the Federal Government at one time or another held title to about four-fifths of our country's gross area and that under that great body of law known as the public land laws we have transferred for non-Federal use approximately 1.1 billion acres of land.

In other words, the 718.1 million acres of public domain now remaining repre-

sent but a small portion of all the public domain that we have had. And when you deduct from this total the 365.4 million acres of public domain in Alaska we are left with only 352.7 million acres in the continental United States, of which only 177.2 million acres are not reserved for some specific use. These federally owned public domain lands present us with the last opportunity to preplan for the use that will truly be in the highest and best public interest.

These public domain lands, both in Alaska as well as the other States, are important to the Nation because of the forestry products that come therefrom, for their wilderness values, for the oil, gas, and other minerals they yield, for the range lands they provide, for the revenue they produce in the course of their use for commercial production, for their watershed and wildlife values, and for the opportunities afforded to hunters, fishermen, hikers, and other recreationists who enjoy these lands. In addition to this we have, in the public domain, lands that remain in their primitive state and that have been preserved from commercial use, thereby affording the opportunity to scientists as well as laymen to study, or just enjoy, areas that most closely approximate the natural state in which our forefathers found this land of ours.

These land areas belong to all the American people and all the American people should share in establishing the guidelines for the future use or disposition of these public domain lands. The most significant question pressing upon us now is how to accommodate the public land laws and the use of the public lands to the needs of today.

The basic mining law of the United States governing the acquisition of land because of the presence of valuable minerals was adopted in 1872. Today, almost 100 years later, that law is still the basic law under which the discovery of a valuable mineral deposit and its development entitles the locator thereof to obtain fee title to the land at a nominal price without regard to the value, for example, of standing timber or the future use of the property as a resort. In the 87th Congress and again in this Congress I introduced legislation to modernize the mining laws and bring them into harmony with the last half of the 20th century.

The Department of the Interior has requested legislation to permit it to sell public lands that the Secretary believes are suitable for residential, commercial, or industrial purposes. Members of the Congress have from time to time sponsored legislation concerning other specific aspects of public land management and disposal.

The Committee on Interior and Insular Affairs has held hearings on several proposals over the past several years. Our conclusions are that all these various proposals must be considered together and that you cannot get a proper picture of what we are doing, and what we should do, without undertaking a comprehensive review. I concur with the committee's conclusion that such a study, by a Commission of the type that would

be established by H.R. 8070, can best accomplish the task. In saying this, however, I would be remiss if I did not again allude to my earlier reference to the committee's failure to include a review of the water laws.

I do not see how the Commission is going to study the problems assigned to it without getting into the question of water, and I want the record that we make here today to show that the failure to mention water in H.R. 8070 does not preclude the Commission from studying the use and sources of water required for the use of public lands. The bill as I understand it gives to the Commission complete authority to study all the laws pertaining to the public lands which, by definition, include all surface and subsurface resources of all such lands. The Commission's inability to study the general water law problem outside the public lands in no way inhibits it from studying the laws affecting water on the public lands.

If you expect to make land available for use—whether under continued Federal ownership and management or after sale for private development—the people who come there will need water. You need water in mining operations and you need water for agricultural development. It may well be that among the criteria to be developed for determining land use will be a determination as to the availability of water. And, a determination of the availability of water involves in it a determination as to whether you have a right to obtain water for a particular tract. For land without water in most cases is valueless.

If we do not act to meet the situation that confronts us, we will have no basis for complaint if the people downtown move in and establish their own criteria, their own rules, and their own procedures concerning the retention, the use, and the management of the public lands. Piecemeal patchwork of the public land laws will not suffice. We must examine the entire structure and come to basic decisions. We must do it now.

The foundation for future action can be started here by passing H.R. 8070 and taking a necessary step toward the establishment of a Commission so constituted that its recommendations concerning revision of the public land laws will be given recognition and, from the outset, sympathetic consideration.

After study of the pending bill in the Committee on Interior and Insular Affairs, we amended it to change the composition of the Commission. I submit that we have proposed a well-balanced body in providing for six Members of the House and six Members of the Senate together with six to be appointed by the President from among those who, by background and overall knowledge, have an understanding of the problems affecting the public lands.

Another matter I would like to call to your attention. Someone has objected to a provision in the bill which they think allows for payment for members of the advisory committee. If you will look at the bill as drafted by the committee, on page 14 you will find the following:

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

Mrs. ST. GEORGE, speaking on the rule, called attention to a provision of the bill which appears on page 17 and states as follows:

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job of professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

The statute referred to is the conflict-of-interest statute. It is placed in this bill so that anyone who is presently serving in any one of those capacities can also be a member of the Advisory Council, or be hired by the Commission if the Commission so desires.

Now, where did this language come from? It is taken verbatim from the first and second acts passed by the Congress of the United States establishing the Hoover Commission. This language is included because the Civil Service Commission said it was necessary so that the conflict-of-interest statute would not affect people who were called upon to advise the Commission or to work for it. It does not—and I want to make the RECORD specifically clear—I repeat “it does not” authorize any member of the Advisory Council to receive any compensation except subsistence allowance and travel pay to meetings called for that purpose.

Ladies and gentlemen of the committee, I feel that today we are establishing a landmark in the passage of this bill. It has received careful study by our committee. The chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL], has for several years discussed with me as the ranking minority member of that committee the possibility of having our own committee do this work. But because of the very magnitude of the problem, because of the fact that the statutes that are on the books, that Congress passed in a piecemeal way from the very beginning until now; from the inconsistent rulings that the Solicitors of the Interior Department have made over the years; the problem is too gigantic for any committee of Congress to handle. For that reason we come before you now with this bill.

In urging your support of this measure I assure you that your House Committee on Interior and Insular Affairs will exercise not only liaison but also surveillance over the activities of the Commission in order to make certain on the one hand that our objectives are fulfilled and on the other hand that we can respond promptly to either interim or final recommendations submitted by the Commission.

This is what a wise and prudent owner of land would do—you are the owners of that land, and I know you will support the committee.

Mr. ASPINALL. Mr. Chairman, I yield 15 minutes to the gentleman from Nevada [Mr. BARING].

(Mr. BARING asked and was given permission to revise and extend his remarks.)

Mr. BARING. Mr. Chairman, I am very pleased to have the honor to join with the chairman of the full committee in bringing before the House H.R. 8070, providing for the establishment of a Public Land Law Review Commission. The Subcommittee on Public Lands, of which I have the honor of being chairman, not only held extensive hearings during this Congress on this specific legislation but also has held extensive hearings on related public lands matters that underscore the need for a thoroughgoing comprehensive review of the public land laws.

We are at a crossroads in determination of public land policy. We have a choice: Congress can abdicate completely or we can take action to provide for necessary revision of the public land laws.

Our conclusion, which we recommend for your favorable consideration today, is that Congress take affirmative action in this field and that we lay the foundation for proper revision by creating a congressionally controlled commission with broad public representation which can review the existing situation, study the needs of the future, and make recommendations to the Congress for the enactment of legislation necessary to carry out these recommendations.

The gentleman from Colorado [Mr. ASPINALL] has outlined the background need for revision of the public land laws. I shall not duplicate what he has said. I want the record to show that I associate myself with his remarks for which reason I, too, sponsored a companion (H.R. 8071) to the bill on the floor today. I would like to take just a few minutes to discuss the committee's consideration and action on this legislation.

First and foremost, I think that it should be made perfectly clear that in the hearings held by the Subcommittee on Public Lands nobody appeared to say that the public land laws should not be revised. Representatives of the executive departments, representatives of industry groups, representatives of conservation organizations, and representatives of the users of the public domain all endorsed in principle establishment of an independent body to study the revision of the public land laws.

The chief points of interest that developed in the testimony related to the proposed composition of the Commission and its power to compel the production of records through the use of the subpoena power.

A large majority of those appearing before the committee recommended that there should be no representatives of the executive branch of the Government on the Commission. While some thought that the Commission should be limited to Members of the House and Senate, and one organization recommended that no Members be included from either the legislative or executive branches, the majority supported a Commission made up

of Members of the House and Senate plus persons to be appointed by the President from non-Government public life.

We have agreed on the wisdom of these recommendations and the bill H.R. 8070, before you today provides for a 19-member, bipartisan Commission composed of 6 members of the House Committee on Interior and Insular Affairs—3 majority and 3 minority—to be appointed by the Speaker, 6 members of the Senate Committee on Interior and Insular Affairs—again evenly divided, 3 majority and 3 minority—to be appointed by the President of the Senate, 6 members to be appointed by the President of the United States and the Chairman of the Commission who would be elected by the majority vote of the 18 first appointed. We have provided for the chairman of the Commission to be a full-time job because we think that it will take the full time of any person who is going to give it the proper attention.

While all other members of the Commission will serve without pay and receive only a per diem and travel expenses when actually serving, the Commission will be authorized to set the salary of the Chairman, thereby assuring the opportunity of obtaining the best person for the task.

We have also, of course, provided ample authority for the Commission to hire professional and clerical staff personnel. And, while we have included a limitation on the overall appropriations to be made for the Commission's study, we believe the \$4 million that would be authorized would be ample for the purpose.

With regard to the other focal point of discussion by witnesses appearing before the committee, we have curtailed the authority that would be granted to issue subpoenas to compel the attendance and testimony of witnesses and the production of records. We have, however, given the Commission itself authority to issue such subpoenas provided that it would not require the presence of the parties subpoenaed at a hearing to be held outside a State wherein the witness is found, or resides, or transacts business. We have provided further that if the witness submits material on a confidential basis, the Commission shall not make the material public. We have further provided that if the Commission obtains material from any agency of Government and the material had previously been submitted on a confidential basis, and the confidentiality of those materials is protected by statute, the materials so produced shall be held confidential by the Commission. We submit that these are fair and equitable solutions to sensitive problems.

Let me call to your attention a few other salient points in this legislation. First of all, the bill and its declaration of policy establishes as a guideline for the Commission that it is to be the policy of the Congress that the public lands of the United States shall be either retained and managed as Federal property or, in the alternative, disposed of, all in a manner to provide the maximum benefit for the general public. And, as stated in the committee report which I filed on H.R. 8070, the committee has taken no position as to these alternatives which are

exclusively within the scope of recommendations to be made by the Commission.

We have assured that the Commission will receive necessary assistance, guidance, and advice by providing for, first, departmental liaison officers to be appointed to represent each Federal department or agency which has any interest in or responsibility with respect to the use of the public lands; second, an advisory council composed of the Federal agency liaison officer together with 25 additional members to be appointed by the Commission from among the various major citizen groups interested in the problems relating to the public lands; and third, representatives from each of the States to be chosen by the Governor to work with the Commission.

In addition to limiting the funds that may be appropriated for use by the Commission that I indicated a moment ago, we have also put a time limit in the bill for the conclusion of the Commission's work. We have specified that it must submit its report to the President and the Congress not later than December 31, 1967, and go out of business 6 months thereafter. During the 3-year period the study is being made, there would be direct and continuous liaison between your Committee on Interior and Insular Affairs and the Commission by virtue of the six members of the committee that would be serving on the Commission, thereby enabling us, if necessary, to act quickly in the event legislation affecting the public lands is required before the final report is submitted.

Mr. Chairman, as indicated by the gentleman from Colorado [Mr. ASPINALL], the review that we propose be made of the public land laws is long overdue. I urge adoption of H.R. 8070 so that we may proceed to make that study.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WHARTON].

(Mr. WHARTON asked and was given permission to revise and extend his remarks.)

Mr. WHARTON. Mr. Chairman, in this debate there should be a place for the Devil's Advocate. We should look at all sides of the problem here and consider this matter very carefully.

First, I wish to pay tribute to our chairman, our very distinguished chairman, and in doing so I at the same time wish to outline my line of reasoning as to this proposed legislation.

In our chairman we have one of the most distinguished authorities and capable lawyers on the subject of land management and various problems that come before our committee from the country today. By the same token, it is my thought that the House Committee on Interior and Insular Affairs and the Senate Committee as well are most ably qualified to handle the matters outlined in this bill.

Specifically, I desire to call your attention to page 10 of the bill. The declarations are outlined as follows, and this is very proper and it is very concisely stated:

First. A comprehensive review of those laws, rules, and regulations relating to land management.

Second. To determine whether and to what extent revisions thereof are necessary.

That is all there is to it.

This Commission is not to recodify the land laws or anything of that kind. Contrary to some intimations here, it is not to provide for the sale of public land. As our chairman has already outlined, the sale of public land has been carried on since the Continental Congress, and there are many laws. Possibly the laws are too complicated, but that is not going to be decided by the proposed Commission.

Let me point out to you the reasons why. It has been stated that the Congress must face up to the situation. That is a very true statement. And may I point out this commission primarily is composed of 12 Members of the Congress, 6 from the House and 6 from the Senate.

It has been said that this problem is too gigantic for the House and Senate to handle. We need a large committee of a hundred individuals to handle this enormous problem, it is stated. If it is too gigantic for the House and the Senate to handle, why, then, are 12 of our Members appointed to this commission, which will consume the time of their regular duties? I think that is a pertinent point to answer.

In addition, I would like to point out what a member of the Rules Committee stated, namely, that this item has not been budgeted. It is a \$4 million item and in connection therewith it is also interesting to note that the life of this commission will be approximately 4 years. It will not terminate at this coming presidential election. It will terminate just before the next following presidential election. Four years is a long time, and with the staff that is contemplated, the extent of the figures and the buildup thereof, very obviously there will be a request for additional funds before the 4 years is up.

I think the records of the committees by and large, if we had a list of all committees that have worked along operations of this kind, would be rather a sorry spectacle. I do not think at the end of 4 years anything will have been accomplished when this proposed committee of about 100 reports back its comprehensive review. They are not going to determine anything. That will still be up to the Congress.

I intend to vote against this bill, and I trust we will be able to express ourselves by a record vote at this time.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. WHARTON. I yield to the gentleman from Missouri.

Mr. CURTIS. I was quite interested in the gentleman's minority views, and also those expressed here. Would the gentleman develop just a little bit more, if he can, why it is your committee cannot go forward and do the work that this bill suggests a commission do? It would

seem to me that that should be a *sine qua non*, that there should be some reason why the committee cannot do this work and therefore needs this commission. Can the gentleman give us a reason, if there is a reason?

Mr. WHARTON. I think the gentleman and I agree on that. I do not know how I could state it any more clearly. Of course, we have the Senate committee on the same subject. The House committee is a very capable one. I do not know where we could find a better man than our own chairman. I do not know if it is complimentary to say that the committee of 100 which would be set up could be more capable.

Mr. CURTIS. I appreciate the facts are that our committee could do this. The question I have raised is really one as to why the committee itself feels this way. I have not yet finished reading the committee report, and I may be a little bit premature in asking the question. It may be set out here.

Mr. WHARTON. I think the gentleman is familiar with the fact that the committee holds hearings on these matters at all times during the session.

Mr. SAYLOR. Mr. Chairman, I yield 13 minutes to the gentleman from Iowa [Mr. KYL].

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, I think in the first instance it is important that we realize that this is not a picayunish matter, because we are here concerned with approximately one-third of the entire area of the 50 States of the United States. This in itself gives some indication of why we have to have some special means of taking care of the problem.

The gentleman from Missouri poses a question. His State is about the same size as mine. The public lands of the United States amount to an area 23 times the size of the State of Iowa. This is not a little matter.

In Iowa and in Missouri and in some of the eastern States we are not often concerned with problems of public lands because we do not have many of these acres in our area, but I assure you that in some areas of the United States this is a matter of existence, a matter of life and death.

Suppose you are a city official of a city like Las Vegas, Nev. Your city has an expanding population. The city boundaries have grown right out to that Government land which surrounds your city. You need some of that land so that your city can expand, but there is no provision in law under which you can acquire this land, no provision whatsoever for giving you the few acres that you need for expansion of Las Vegas or whatever city you have in mind.

If you do not have some set policy this policy can be changed by each administrator in the Department, almost as a matter of whim. I would also remind my colleagues that this particular type of activity is fraught with interest for every Member of the Congress, for if it seems to the average of our 180 million citizens that we are giving that city

something that belongs to all the citizens, immediately we are charged with giving away our birthright, our land that belongs to every citizen. This thing is important in certain areas of the country now. It is of very great significance. But it is for the future, a problem for all citizens of this country.

What happens if we take this up bit by bit, if we do not get an overall picture of it? Then we shall witness this perpetual conflict of interest which we have, instead of trying to find the exclusive interests where they are necessary and instead of developing compatible uses of this vast area where that is possible.

I think it would be advisable to see what the alternatives to this approach area. First of all, we can do nothing. We can just let the thing go on as it has.

Remember, the chairman pointed out we have over 5,000 laws now governing this particular area of jurisdiction. These laws provide a conflict and inconsistency and a duplication. The citizens, the industries and the areas where there are public lands do not know from one year to the other what the policy is. They do not know what their rights are. They do not know what their responsibilities are. The States have many problems which cannot be resolved bit by bit. The bureaus themselves, the Bureau of Mines and the Bureau of Land Management, and so on, because there is such an infirm base and such an inconsistent base from which to operate, become less than efficient. There is a natural decay which sets in because they do not have any logical base from which to operate. Unless we have an overall review of this entire subject, there is no way that we can give the administrator of these public lands the kind of base of operations that they need. We find if we do not do something of this sort, these administrative changes are still possible and we do not know from year to year what is happening.

Secondly, we could build up the staff of the Interior Committee to do this work. I suppose we could. Let us look at this for just a moment since the point has been raised pointedly.

The Committee on the Interior of the House of Representatives has the 10 members on its staff which were provided for under the 1946 Reorganization Act. We have six clerks and four members of the counseling staff. You can contrast this with some committees of the House which have as many as 53 staff members. Talk about the expense of a commission. You do not hire these 53 extra staff members for investigative purposes for nothing. They do not come for peanuts. When they get rid of this job, then the 53 staff members—you can bet your bottom dollar—remain on the payroll to do another and another and still another job. Not so with the staff of this committee because when this job is done the Commission ends.

What else happens when you provide only a kind of program through committee activity? Right now this House has a tremendous problem which lies in the fact that the staff is doing a lot of work

that Members of Congress ought to be doing. We have such completely incomprehensible things as this going on. A committee chairman hires an economic expert for a committee. He is a staff member. Then the chairman brings that member in to testify in favor of legislation before the committee. This is not the way to proceed in trying to solve this problem. If we leave it up to this second alternative, we are going to have duplication of effort in many committees of the House and between the committees in the House and the Senate. We are not going to get the job done. We are never going to give adequate voice to the States.

What does the State get into on this? If you check the hearings, you will find out that some States like Nevada, 85 percent of the land area of the State is owned by the Federal Government. You can imagine putting yourself in the place of a Governor and the tax experts in a State where 85 percent of the land belongs to the Federal Government. How are you going to get the money to operate your State? To what alternatives besides property taxes and industrial taxes do you turn to get the funds to operate your State? So you see we cannot give adequate voice to the States and we cannot give adequate voice to the people whose livelihood depends on using these public lands. What do we do with the grazers? We let them come into the committee and testify. Most of the time one of them testifies and then includes the rest of the remarks in the RECORD where they are buried and nobody pays any more attention to it. When miners come in every year to testify, they put all the stuff in a pile and put it in the RECORD and the voice is not adequate.

This, of course, is important to the Nation. Contrary to many widely held beliefs, the people who use the public lands are not robber barons out to see how much they can exploit the citizens of the United States. They want to do what is right, but under present conditions they cannot do what is right always because they do not even know what the policies are. So we get to this business of the Commission itself. First, let me say this is not a regulatory commission. The first gentlewoman who spoke this afternoon indicated this was another FCC or Interstate Commerce Commission or something of that sort. This is not a regulatory agency. This is a Commission to study a big problem in the Federal Government to see what we can do about it.

So far as I am concerned, I believe this is one reform of the Congress we might use, and apply more generally. Usually when someone talks of congressional reform it is because there are groups of people who are "out" who want "in," or who have a specific political purpose they wish to achieve, so they seek some reform in the organizations of Congress, in the Rules Committee or in other procedures. The Commission idea offers a genuine reform with great merit. This is why: We start out by trying to assess the needs.

We should remember that the heart of the Commission is legislative, with six Members from the House and six Mem-

bers from the Senate. In addition, we call on the best brains in the mining industry, in the grazing industry, and from the economics departments of our universities. These people will work day after day with the Members of Congress to try to develop the kind of information needed to establish what courses of action should be taken and how they should be taken.

We will include the States, so that each State will have a voice. The States will be full partners. Their needs will be heard, and proper procedures can be developed. We would include the administrative branch. They are the people who administer these programs, and they know a lot of the administrative problems which never occur to us. They must deal with the problems day by day. This is a valuable adjunct.

When we get through, what will we have? We will have recommendations drawn up by this Commission, which are in nature bipartisan, because the members work side by side. We will not have political interference, which we might have when the administration proposes something to the Congress or the Congress proposes something to the administration. Politics, to a large extent, will be avoided, because we will reach areas of agreement. We will remove the politics.

Furthermore, we will remove the conflict between the House and the Senate, because Members of both bodies will be involved.

We will remove the conflict which administratively exists between departments downtown and the Congress, because the administration will be involved.

There will be recommendations which can be presented to the Congress which, because they will be of less debatable nature, because they will be based firmly on all the information that can be developed from all sources, will make up a tailor-made program. They can be presented to the House and to the Senate, and we will have a reasonable assurance that if passed by the Congress they will be approved, because the administration is involved in this program.

Someone suggested that perhaps we should set up a commission to study debt management. I believe that is an excellent suggestion. As a matter of reform, we could have Members of the House and of the Senate sit down with members of the administration and the best banking brains and economic brains in the country. They would work together in exactly this fashion to come up with some actions to be taken, which so far we have not been able to get.

Consider the problem of tax reform. This is a huge area in which the commission idea certainly could be of benefit.

The one legislative commission we have had in the history of the Congress is the one which was established to deal with the problem of outdoor recreation and resources. I believe that of all the techniques we have sought to use and have used in the past many years this device has proved to be absolutely the most effective and the most efficient.

I believe this is a good approach. The subject certainly warrants the kind of attention we are giving to it. The leadership of the Commission is certainly the kind we want in charge of this sort of program.

This is a good bill, and should be passed.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. BURTON].

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-two Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 62]

Ashley	Green, Oreg.	O'Neill
Auchincloss	Hall	Osmers
Ayres	Hanna	Passman
Bass	Harsha	Pepper
Berry	Hoffman	Philbin
Brown, Calif.	Holland	Powell
Buckley	Jarman	Rains
Cameron	Kee	Reifel
Carey	King, Calif.	Roberts, Ala.
Celler	Kornegay	St Germain
Cleveland	McDade	St. Onge
Davis, Tenn.	McDowell	Schwengel
Diggs	Macdonald	Scott
Donohue	Madden	Sheppard
Dorn	Mailliard	Staebler
Dowdy	Martin, Nebr.	Steed
Duncan	Mathias	Stratton
Elliott	Meador	Thompson, N.J.
Ellsworth	Miller, N.Y.	Weaver
Flynt	Morse	Williams
Frelinghuysen	Murphy, N.Y.	Wilson
Fuqua	Murray	Charles H.
Glenn	Nelsen	Wyman
Goodling	Norblad	
Grabowski	O'Brien, Ill.	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8070, and finding itself without a quorum, he had directed the roll to be called, when 358 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Utah.

Mr. BURTON of Utah. Mr. Chairman, in the humble judgment of this freshman, this piece of legislation could be one of the most far reaching and significant matters this House will act on during this present session. In the case of the State of Utah it could well be the most important one we will act on in this session.

I wonder if my colleagues realize that if you took all of the State sections of land in all of the States, together with all of the private sections of land, you would have 17 million acres, but the Federal Government owns nearly 35 million acres of land in Utah, more than twice as much as all the non-Federal land combined. The use or lack of use of these Federal acres means the entire future of my State. How we are able to use our land is going to determine our entire economic future.

I should like to take this opportunity to commend the chairman of our full

committee, the gentleman from Colorado, on the leadership he has demonstrated in shaping up this legislation and bringing it to the floor. I also want to take note of the role my own ranking Member, the gentleman from Pennsylvania [Mr. SAYLOR] has played in helping shape this legislation. The economic interests of Pennsylvania and Utah, a public land State, Pennsylvania not being one of those States, do not always coincide, but he has displayed his characteristic statesmanlike attitude on this matter, and I appreciate it.

For the benefit of the Members who are not on the committee, I reiterate that this legislation received in the committee itself the widest bipartisan support. It was not proposed or opposed on a geographical basis, either. I urge my colleagues to join us in supporting this legislation.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. BATTIN.]

(Mr. BATTIN asked and was given permission to revise and extend his remarks.)

Mr. BATTIN. Mr. Chairman, I take this time to congratulate the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL] and also the gentleman from Pennsylvania [Mr. SAYLOR], the ranking member of the committee. I have listened to the debate and I did not realize there were 5,000 laws dealing with public lands. That figure itself should be enough to convince the committee and the House that we need the Commission approach to successfully analyze the problem. I know from personal experience that when bills are considered in a committee of the House, witnesses who come here from Montana to testify have a short time to impart information and then the committee itself has to make a decision, without having the benefit of full and complete testimony from interested groups.

With the Commission approach that is outlined in this bill, each of the States who have a vital interest in public lands will have a voice in the Commission so that it will, in fact, make recommendations that come from a wide range of opinion. I think the division of the Commission members between the legislative branch, the executive branch, and the public is an excellent approach. What we need is to plan for the future and an expanding population.

I would like to ask the chairman of the committee, would it be your thought that as this Commission makes its recommendation and report that this would be the basis for future legislative action so that we could bring into focus all of the various problems involved?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. BATTIN. I yield to the gentleman.

Mr. ASPINALL. I would put it this way. This should be the basis for the consideration of future legislation. Because I do not believe this Commission is likely to report back handmade law that Congress will accept. But the Commission will be able to recommend to us

not only the problem but also their idea of the solution of the problem. Then Congress can proceed on the basis of that and we can differentiate between executive or administrative, and legislative responsibility.

Mr. BATTIN. I thank the chairman and I also appreciate the necessity of doing this. In my own State of Montana we have problems dealing with the Bureau of Land Management that probably others would not have in other sections of the country, and it is necessary that those who have the problems should be able to present them to the Commission.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. BATTIN. I yield to the gentleman.

Mr. SAYLOR. I would concur in the statement just made by the chairman of our full committee. I do not expect that this Commission will report back to the Congress any specific legislation. I believe it will report to the Congress ground rules that the Congress should follow in enacting legislation to take care of the problems affecting the great public lands that we have.

Mr. BATTIN. I thank the gentleman. I would close by saying that the time and effort that has gone into this matter and the clearness of the debate by Members who have explained the bill is, indeed, a great credit to the committee and the committee staff and reflects the great amount of work that has gone into this legislation and has been presented to us here today.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may require to the gentleman from Alaska [Mr. RIVERS].

Mr. RIVERS of Alaska. Mr. Chairman and members of the committee, as a member of the Committee on Interior and Insular Affairs, I am proud to have worked on this bill. I wish to associate myself with the remarks and the comprehensive explanation of this bill by the distinguished chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL] and also the remarks made by the chairman of the Subcommittee on Public Lands, the gentleman from Nevada [Mr. BARING] and by the ranking minority member of the committee, the gentleman from Pennsylvania [Mr. SAYLOR] and the gentleman from Iowa [Mr. KYL]. As I understand it the committee is unanimous as to the desirability of this bill, except for one of its members. The State of Alaska has as much land in the Federal public domain as all of the contiguous Western States put together, for which reason the study and review of the multiplicity of existing land laws and their clarification which is contemplated by this bill would be of great importance to Alaska. It is high time that the policies of the Federal Government with respect to its public domain lands be reviewed and administrative machinery and regulations studied and reviewed and evaluated and improved.

(Mr. RIVERS of Alaska asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. O'BRIEN].

Mr. O'BRIEN of New York. Mr. Chairman, strong support has been advanced for the bill by Members from States like Utah and Montana, where the problem is grave and overriding.

I point out that though the State of New York does not have a great quantity of public land, throughout the hearings and discussions of the bill I found there was overwhelming support for it from conservation groups and from officials in the State conservation department.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from Arizona.

Mr. UDALL. I sponsored a bill similar to the bill now before the House. I subscribe to what the gentleman from New York has said. This is a good bill. It will do much to modernize the land laws of this country. I hope the House will pass it.

Mr. ASPINALL. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE. Mr. Chairman, I come from a State in which 64 percent of the land is owned by the Federal Government. I believe my State has as much interest in this type of legislation as has any other State in the Union.

I am a member of both the subcommittee and the full committee which formulated this legislation. I am heartily in accord with the legislation. I urge the adoption of the bill and I support it fully.

Mr. LIBONATI. Mr. Chairman, the laudable purpose of H.R. 8070 establishing of a Public Land Law Review Commission to study laws and procedures relating to the administration of the public lands of the United States to correlate the same with a view of proper revision to meet the current needs and future development of their uses for the American people in the public interest, is surely needed. A Commission alone can serve the purposes intended to accomplish these merited goals. No committee of the Congress could possibly amass and analyze the tremendous research material necessary to assimilate and codify the legislative specificity under this public responsibility. Members chosen must be expert in their training in order to comprehend the proper revisions and other purposes included in H.R. 8070 provisions.

The Commission consists of 19 members selected as follows:

Three minority and majority Senate members of the Committee on Interior and Insular Affairs appointed by the President of the Senate. A similar number as above appointed by the Speaker of the House. Six members appointed by the President of the United States—excludes those holding Federal appointment within 1 year of consideration—also anyone holding an appointment or position with the executive branch of Government—time waiver not to exceed 130 days of the previous 365-day period.

The Chairman shall be elected by the 18 members. Vacancies are filled in

similar manner as respective appointments. One of the members appointed by the respective appointing officer of the Congress shall be designated as a senior member. The organization meeting will be called by these senior members. Ten members are considered a quorum to do business—a lesser number may conduct hearings. Only Members of the Congress shall serve without pay, but will receive reimbursement for travel and subsistence. Others receive \$50 per diem when actually performing services—also reimbursement for travel and subsistence. Twenty-five additional members will be representative of those interested in public lands.

The Commission is given full powers to carry out its purposes—subpoena of witnesses and documents—not to be served for hearing outside State of domicile—the material or testimony may be classified if procured from undisclosed or secret sources. May secure material and evidentiary facts from employees of agencies, and so forth, to be held confidential.

An appropriation of \$4 million is authorized.

The all inclusive definition of public lands, reservations—excluding Indian lands—lands permanently or temporarily withdrawn, reserved or withheld from private appropriation and disposal under public land laws including mining laws, outstanding interests of the United States in lands patent, conveyed in fee or otherwise, under the public land laws, national forests, and the surface and subsurface resources of all such laws, including the disposition, restriction, or disposition of the mineral resources in lands defined by appropriate statutes, treaty or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Thus the enactment of H.R. 8070 will permit a comprehensive affirmation of the policies of the United States in treating with public lands in all matters concerning the carrying out of the public interest. It is considered that a 4-year study will contribute much to the formulation of the future policy of our Government in treating with public lands and their relation to the public interest. Each agency concerned with public lands will have a liaison representative to work with the Commission staff. The Commission will file its report to the President and Congress by December 31, 1967 and ceases its functions on June 30, 1968.

The committee and its distinguished chairman, the gentleman from Colorado [Mr. ASPINALL], are to be congratulated upon its splendid approach to solve an intricate and delicate level of controversy in Government—the Department of Interior under the positive leadership of Hon. Stewart Udall have persistently sought congressional action in this area of Government operation. His action to modernize the Department of the Interior in both its operational and its improvement for the public acceptance of its facilities and purposes in the uses of lands and facilities are a credit to our national progress in the recreational

services of the Department and the conservation of public lands for future generations of Americans.

Mr. ALGER. Mr. Chairman, in opposing H.R. 8070, the establishment of the Public Land Law Review Commission, I adopt the position and logic of the minority views. Particularly, I would stress that the appropriate action would be for the congressional standing committees of both bodies to do this job.

I do not oppose the study of public land law, on the contrary, am for it.

The minority views state well my convictions and include the added cost of \$4 million.

MINORITY VIEWS ON H.R. 8070

The proposed Commission of 19 members, numerous liaison officers representing unspecified Federal departments and independent agencies, and an advisory council of 25 additional members, plus 50 Governors' representatives, would represent an unwieldy group of conflicting interests for the purpose of revising our public land laws.

We feel that the entire period of 4 years envisioned by the provisions of the bill would be consumed in assembling a huge mass of incompatible and probably unread testimony, which would leave current problems totally unresolved at that late date.

Even assuming that the requested authorization of \$4 million might prove adequate for the job, which fact may well be historically questioned, we are of the opinion that a substantial waste of public funds will be involved for a task which can better be—in fact, eventually must be—undertaken by both of our legislative bodies through the standing committees of Congress.

Mr. ASPINALL. Mr. Chairman, I have no other requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute amendment of the committee, reported in the bill, which for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to be appointed by the Speaker of the House of Representatives;

(iii) Six persons to be appointed by the President of the United States from among persons who at the time appointment is to be made hereunder are not, and within a period of one year immediately preceding that time have not been, officers or employees of the United States; but, the foregoing or any other provision of law notwithstanding, there may be appointed, under this paragraph, any person who is retained, designated, appointed, or employed by any instrumentality of the executive branch of the Government or by any independent agency of the United States to perform, with or without compensation, temporary duties on either a full-time or intermittent basis for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days; and

(iv) One person, elected by majority vote of the other eighteen, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Ten members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The members appointed by the President shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall (i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future; and (iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy set forth in section 1 of this Act.

(b) The Commission shall, not later than December 31, 1967, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report or on June 30, 1968, whichever is earlier. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

DEPARTMENTAL LIAISON OFFICERS

SEC. 5. The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public lands to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act.

ADVISORY COUNCIL

SEC. 6. (a) There is hereby established an Advisory Council, which shall consist of the liaison officers appointed under section 5 of this Act, together with 25 additional members appointed by the Commission who shall be representative of the various major citizens' groups interested in problems relating to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education, labor, and public utilities. Any vacancy occurring on the Advisory Council shall be filled in the same manner as the original appointment.

(b) The Advisory Council shall advise and counsel the Commission concerning matters within the jurisdiction of the Commission.

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

(b) The Chairman of the Commission shall call an organization meeting of the Advisory Council as soon as practicable, a meeting of such council each six months thereafter, and a final meeting prior to approval of the final report by the Commission.

GOVERNORS' REPRESENTATIVES

SEC. 7. The Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and its staff and with the advisory council in matters pertaining to this Act.

POWERS OF THE COMMISSION

SEC. 8. (a) The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matters which would require the presence of the parties subpoenaed at a hearing to be held outside of the State wherein the witness is found or resides or transacts business.

A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 102-104, inclusive, of the Revised Statutes (2 U.S.C. 192-194) shall apply in case of any failure of any witness to comply with any subpoena or testimony when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any governmental agency production of any materials which have theretofore been submitted to a government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held confidential by the Commission.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 9. (a) There are hereby authorized to be appropriated such sums, but not more than \$4,000,000, as may be necessary to carry out the provisions of this Act and such moneys as may be appropriated shall be available to the Commission until expended.

(b) The Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act of 1949, as amended, to fix the compensation of its Chairman and appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions except that any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this Act to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

DEFINITION OF "PUBLIC LANDS"

SEC. 10. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, and (f) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Mr. ASPINALL (interrupting the reading). Mr. Chairman, I ask unanimous consent that the further reading be dispensed with and that the substitute amendment be considered as read and open for amendment at any place.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the site number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, as I understand the bill, it provides for a brand new Commission in Government. One of the things Congress seems to do best is to create commissions to do the work which departments and agencies should do and committees of Congress should do. It is easier, it seems, to spend the taxpayers' money to add to the Federal bureaucracy.

The bill, as I understand it, would authorize the appropriation of \$4 million. I hope someone will correct me if I do not state the fact, but I understand this is an unbudgeted item. This leads me to ask whether the President of the United States, who claims to be for frugality and economy, supports this measure?

Mr. ASPINALL. Mr. Chairman, will my colleague from Iowa yield?

Mr. GROSS. I am glad to yield to the gentleman from Colorado.

Mr. ASPINALL. In my opening statement I stated that the Chief Executive of the United States supports the legislation.

I understand the item is not in the budget because it was not a part of the statutory law when the budget was made.

I feel that this small amount will not upset any budget of which I have ever heard tell since I have been in Congress.

I feel that if the President of the United States and the Appropriations Committee believe it in order to present the item in a supplemental appropriation during the remainder of this session, that can be done.

I would like to say to my good friend from Iowa that the committee I chairman never places any responsibility other than its authorizing responsibility before Congress, and it permits the other committees to work their will on the legislation that it recommends, and I would have to stand by that recommendation.

Mr. GROSS. I am sure the distinguished gentleman from Colorado will agree with me that if there are enough \$4 million unbudgeted items approved by Congress, the budget that has been submitted will have absolutely no meaning. So I do not believe we can lightly pass off any unbudgeted spending of \$4 million. I think Members of Congress ought to begin to be interested in how much money is being spent. This bill authorizes a new Commission, without regard to civil service rules and regulations and without regard to the Classification Act of 1949, to go out and hire at will and pay any salaries it wants to pay. Under civil service, supergrades are now paid up to \$20,000 a year. It seems to me this Commission could conform to the Classification Act and hire its employees without suspending the civil service rules and regulations. The bill goes on in the next paragraph and provides for the hiring of consultants without limit. It can hire consultants and advisers outside of the Advisory Committee that is to be set up. How far, in all conscience, is it proposed to go in this business of hiring people? Then we go down to the bottom of page 17, where it was stated earlier by the gen-

tleman from Pennsylvania that the representatives of the Governors would not be paid. I say it does not make any difference how thick or thin it is sliced, these representatives can be paid, because it is stated in that paragraph, "with or without compensation." This section of the bill does not deal exclusively with the Advisory Council. That is dealt with, and the stipulation as to who shall serve without compensation, is under an entirely different section on page 14 of the bill. So the representatives of the Governors could be paid, as long as this "with or without compensation" provision remains in the bill.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I have a great deal of regard for the legislative ability of the gentleman from Iowa, but I want to assure him and to assure the other members of this committee that there is nothing in this language to which he is referring, subsection (d) of section 9 of the bill, which appears at the bottom of page 17 and at the top of page 18 of the bill, that would allow any member of the Advisory Council to be employed on that basis. It says:

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(Mr. GROSS asked and was given permission to proceed for 2 additional minutes.)

Mr. GROSS. I tried to settle this awhile ago, but the gentleman would not yield to me. Let me take just a second or two now. If the gentleman will delay the further consideration of the bill until I can write an amendment to this paragraph to say these representatives shall serve "without compensation," will the gentleman support that amendment?

Mr. SAYLOR. No; because that has already been provided in this bill. This is the conflict of interest provision to allow these people to be hired by the Committee.

Mr. GROSS. Wait a minute now. Such an amendment cannot do the bill any harm if you mean what you say. If this provision means that these representatives must serve without compensation, let us say so, instead of saying "with or without compensation." If the gentleman will support my amendment, we can settle this one issue with respect to this bill. Will the gentleman support an amendment of that kind if I can get it written?

Mr. SAYLOR. No, I will not support the amendment.

Mr. GROSS. That is what I thought.

Mr. SAYLOR. Because it does not apply.

Mr. GROSS. Of course it would apply.

Mr. SAYLOR. He is not trying to do what this bill says.

Mr. GROSS. You want it discretionary, that is what you want, so please do not say otherwise. I am opposed to this bill, because there is no reason for the creation of a brandnew commission. I do not know offhand how much we are spending on the Department of the Interior annually, but it is a vast amount. I do not understand why the Department of the Interior cannot come up with recommendations with respect to the public land situation in this country. Why do we have to go out now and borrow \$4 million to set up a brandnew commission in order to make this survey or review?

Those who support this bill should understand that they are contributing to a busting of the budget and they will be contributing to the building of the bureaucracy in Washington.

I insist there are now enough people on the Federal payroll to do the job that is outlined in this bill and I am not going to be a party to the spending of an additional \$4 million for the purpose of further padding the Federal payroll.

[Mr. FOREMAN addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes, pursuant to House Resolution 642, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that the "ayes" had it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 339, nays 29, not voting 65, as follows:

[Roll No. 63]

YEAS—339

Abbutt	Fisher	Martin, Calif.
Abernethy	Flood	Martin, Mass.
Adair	Fogarty	Martin, Nebr.
Addabbo	Foreman	Matsunaga
Albert	Forrester	Matthews
Anderson	Fountain	May
Andrews, Ala.	Friedel	Michel
Andrews, N. Dak.	Fulton, Pa.	Milliken
	Fulton, Tenn.	Mills
Arends	Fuqua	Minish
Ashley	Gallagher	Monagan
Ashmore	Garmatz	Montoya
Aspinall	Gary	Moore
Avery	Gathings	Moorhead
Ayres	Glaimo	Morgan
Baldwin	Gibbons	Morris
Baring	Gilbert	Morton
Barrett	Gill	Mosher
Barry	Glenn	Moss
Bates	Gonzalez	Multer
Battin	Goodell	Murphy, Ill.
Beckworth	Grant	Murphy, N.Y.
Beermann	Gray	Murray
Belcher	Griffin	Natcher
Bell	Griffiths	Nedzi
Bennett, Mich.	Grover	Nix
Berry	Gubser	Norblad
Betts	Gurney	O'Brien, N.Y.
Blatnik	Hagan, Ga.	O'Hara, Ill.
Boggs	Hagen, Calif.	O'Hara, Mich.
Boland	Haley	O'Konski
Bolling	Halleck	Olsen, Mont.
Bolton	Halpern	Olson, Minn.
Frances P.	Hanna	O'Neill
Bolton	Hansen	Ostertag
Oliver P.	Harding	Patman
Bonner	Hardy	Patten
Bray	Harris	Pelly
Brock	Harrison	Perkins
Bromwell	Harvey, Ind.	Pickle
Brooks	Hawkins	Pike
Brotzman	Hays	Pilcher
Brown, Ohio	Healey	Pirnie
Broyhill, N.C.	Hébert	Poage
Broyhill, Va.	Hechler	Poff
Burke	Hemphill	Pool
Burkhalter	Henderson	Price
Burleson	Herlong	Pucinski
Burton, Calif.	Holifield	Quie
Burton, Utah	Horan	Quillen
Byrne, Pa.	Hosmer	Randall
Byrnes, Wls.	Huddleston	Reid, Ill.
Cahill	Hull	Reid, N.Y.
Cannon	Hutchinson	Reuss
Carey	Ichord	Rhodes, Ariz.
Casey	Jennings	Rhodes, Pa.
Cederberg	Joelson	Rich
Chamberlain	Johnson, Calif.	Rielhman
Chelf	Johnson, Pa.	Rivers, Alaska
Chenoweth	Johnson, Wis.	Rivers, S.C.
Clark	Jonas	Roberts, Tex.
Clausen	Jones, Ala.	Robison
Don H.	Jones, Mo.	Rodino
Clawson, Del	Karsten	Rogers, Colo.
Cohelan	Karth	Rogers, Fla.
Colmer	Kastenmeier	Rogers, Tex.
Conte	Keith	Rooney, N.Y.
Cooley	Kelly	Rooney, Pa.
Corbett	Keogh	Roosevelt
Corman	Kilgore	Rosenthal
Cramer	King, N.Y.	Rostenkowski
Cunningham	Kirwan	Roudebush
Curtin	Kluczynski	Roush
Curtis	Knox	Roybal
Daddario	Kunkel	Rumsfeld
Dague	Kyl	Ryan, Mich.
Daniels	Laird	Ryan, N.Y.
Davis, Ga.	Landrum	St Germain
Dawson	Langen	Saylor
Delaney	Lankford	Schadeberg
Dent	Latta	Schenck
Denton	Lennon	Schneebeli
Dole	Lesinski	Schweiker
Dorn	Libonati	Schwengel
Downing	Lindsay	Secrest
Dulski	Lloyd	Selden
Dwyer	Long, La.	Senner
Edmondson	Long, Md.	Shipley
Edwards	McClory	Short
Everett	McCulloch	Shriver
Evins	McFall	Sibal
Fallon	McIntire	Sickles
Farbstein	McLoskey	Sikes
Fascell	McMillan	Siler
Feighan	MacGregor	Sisk
Findley	Mahon	Skubitz
Finnegan	Mailliard	Slack
Fino	Marsh	Smith, Iowa

Smith, Va.	Tollefson	White
Springer	Trimble	Whitener
Stafford	Tuck	Whitten
Staggers	Tupper	Wickersham
Stephens	Tuten	Widnall
Stinson	Udall	Williams
Stubblefield	Ullman	Willis
Sullivan	Van Deerlin	Wilson, Bob
Taft	Vanlk	Wilson, Ind.
Talcott	Vinson	Winstead
Taylor	Waggonner	Wright
Teague, Calif.	Wallhauser	Wylder
Teague, Tex.	Watson	Young
Thomas	Watts	Younger
Thompson, La.	Weltner	Zablocki
Thompson, Tex.	Westland	
Thomson, Wis.	Whalley	

NAYS—29

Abele	Derwinski	Lipscomb
Alger	Devine	Minshall
Ashbrook	Dingell	Pillion
Becker	Gross	St. George
Bennett, Fla.	Harsha	Smith, Calif.
Bow	Harvey, Mich.	Snyder
Bruce	Hoeven	Utt
Clancy	Jensen	Van Pelt
Collier	Johansen	Wharton
Derounlan	Kilburn	

NOT VOTING—65

Auchincloss	Green, Oreg.	Osmer
Bass	Hall	Passman
Brademas	Hoffman	Pepper
Broomfield	Holland	Philbin
Brown, Calif.	Horton	Powell
Buckley	Jarman	Purcell
Cameron	Kee	Rains
Celler	King, Calif.	Reifel
Cleveland	Kornegay	Roberts, Ala.
Davis, Tenn.	Leggett	St. Onge
Diggs	McDade	Scott
Donohue	McDowell	Sheppard
Dowdy	Macdonald	Staebler
Duncan	Madden	Steed
Elliot	Mathias	Stratton
Ellsworth	Meador	Thompson, N.J.
Flynt	Miller, Calif.	Toll
Ford	Miller, N.Y.	Weaver
Fraser	Morrison	Wilson
Frelinghuysen	Morse	Charles H.
Goodling	Nelsen	Wyman
Grabowski	O'Brien, Ill.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Buckley with Mr. Miller of New York.
 Mr. Scott with Mr. Weaver.
 Mr. Brademas with Mr. Ellsworth.
 Mr. Morrison with Mr. Morse.
 Mr. St. Onge with Mr. Auchincloss.
 Mr. King of California with Mr. Reifel.
 Mr. Macdonald with Mr. Mathias.
 Mr. Miller of California with Mr. Horton.
 Mr. Philbin with Mr. Osmer.
 Mr. Donohue with Mr. Broomfield.
 Mr. Sheppard with Mr. Ford.
 Mr. Stratton with Mr. Wyman.
 Mr. Grabowski with Mr. Hall.
 Mr. Thompson of New Jersey with Mr. Frelinghuysen.
 Mr. Elliott with Mr. Meador.
 Mr. Flynt with Mr. Cleveland.
 Mrs. Green of Oregon with Mr. McDade.
 Mr. Madden with Mr. Goodling.
 Mr. Roberts of Alabama with Mr. Hoffman.
 Mr. Holland with Mr. Nelsen.
 Mr. Celler with Mr. Diggs.
 Mr. McDowell with Mr. Leggett.
 Mr. Kornegay with Mrs. Kee.
 Mr. Rains with Mr. Davis of Tennessee.
 Mr. Powell with Mr. Staebler.
 Mr. Pepper with Mr. Charles H. Wilson.
 Mr. Duncan with Mr. Dowdy.
 Mr. Cameron with Mr. Bass.
 Mr. Toll with Mr. Brown of California.
 Mr. Steed with Mr. O'Brien of Illinois.
 Mr. Purcell with Mr. Passman.
 Mr. Jarman with Mr. Fraser.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CITIZENS OF 39TH CONGRESSIONAL DISTRICT OF NEW YORK VOICE THEIR VIEWS

(Mr. PILLION asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter and tables.)

Mr. PILLION. Mr. Speaker, I would like to bring to the attention of the Members of this House and of the Senate, the views of the citizenry of the 39th Congressional District of New York on questions of major concern to this Congress and this Nation.

On February 3, I mailed to every household of the district a questionnaire and memorandum—a total of 122,000. The memorandum was intended to give the basic facts and background of the major and pressing problems confronting Congress.

The questionnaire contained 40 questions. The purpose of this opinion survey is:

First. To determine, in broad terms, the attitudes and opinions of the constituency on vital current domestic and international issues.

Second. To stimulate public interest and discussion, on the part of the public, for the strengthening, unifying, and bettering of this Nation and its peoples.

Third. To give to each citizen as great and as direct a voice as possible in their Federal Government, and in the decisions that so greatly affect their future.

Fourth. To make available to the Members of the U.S. Congress, and to the responsible officials of the executive branch, the views of the citizens of the 39th Congressional District.

A total of 10,154 questionnaires were completed and returned. This remarkable response is proof that the citizens of the 39th Congressional District are deeply concerned with this Nation's and the world's problems. It also evidences their willingness to assume the responsibilities of citizenship in a free country.

I am, personally, most grateful to those persons who generously took the time and trouble to complete and return the questionnaire. About two-thirds of these questionnaires contained additional comments or attached letters explaining or expanding upon either the questions or upon other issues. I deeply appreciate and respect their valuable suggestions and views.

The 39th Congressional District contains in it a small part of the city of Buffalo, about one-half of the city of Lackawanna, and 23 towns around the city of Buffalo. The district contains urban, suburban, and rural areas. Its composition is a fair cross section of the Nation. The answers would be fairly representative for the Nation's population.

U.S. FOREIGN POLICY—SOVIET COMMUNISM

Mr. Speaker, I would like to direct particular attention to the questions and answers Nos. 1 to 7. These questions relate to foreign policy and the relations of the United States toward Soviet-led international communism.

The consensus of the views contained in these answers amount to a vote of "no confidence" in our foreign policies.

There is an almost unanimous—97 to 3 percent—opinion against the grant of foreign aid to the Soviet, or its satellite Communist nations.

Similarly, there is a vast preponderance of opinion—96 to 4 percent—for a unified free world effort to realistically meet and defeat the Soviet-Communist forces in their political, nonmilitary war.

Ninety-five percent of those who replied recognize and believe that the Soviet-Communist forces are waging a non-military world war to destroy the United States and the free world.

The replies to the first seven questions indicate the prevalent opinion that our foreign policies are dangerously approaching a state of collapse.

The United States is being subjected to increasing Communist-created hatreds, humiliations and ridicule by even the most backward nations.

The United States needs to develop righteous, spiritual, moral, and economic goals to which the world can aspire. The State Department, without inspirational national and international goals, has been unable to formulate adequate foreign policies to meet the Soviet-Communist campaigns.

Without valid national and international goals, lacking sound foreign policies, our programs have been an ineffectual waste of this Nation's resources.

I submit part I of the questionnaire and answers containing 20 questions. Part II of the questions and answers will be submitted to this House tomorrow.

Part I follows:

PART I

UNITED STATES VERSUS SOVIET-COMMUNIST RELATIONS

- 1. Do you believe that the prestige and power of the United States is steadily decreasing, relative to the power of the Soviet-Communist bloc? Number yes 7,369, no 2,365; percentage yes 76, no 24.
- 2. Do you believe that the Soviet-Communist forces are waging a joint world campaign by a political and revolutionary new form of nonmilitary war to destroy all non-Communist nations and institutions? Number yes 9,333, no 469; percentage yes 95, no 5.
- 3. Do you believe that the United States should sell chemical, and other industrial equipment to the Soviet Union? Number yes 1,172, no 8,614; percentage yes 12, no 88.
- 4. Do you favor foreign aid loans, credits, or grants to the Soviet, or to its satellite nations? Number yes 259, no 9,509; percentage yes 3, no 97.
- 5. Do you favor foreign aid loans, credits, or grants to the so-called neutralist nations who are clearly under pro-Communist influence such as Indonesia, Algeria, Yugoslavia, and Ghana? Number yes 1,111, no 8,537; percentage yes 12, no 88.
- 6. Do you favor an all-out U.S. effort to defeat the Communist-led and supported forces in South Vietnam? Number yes 6,767, no 2,360; percentage yes 74, no 26.
- 7. Would you support a unified U.S. and free world effort to meet and defeat the Soviet-Communist forces in the new form of political and nonmilitary war they are waging? Number yes 9,153, no 402; percentage yes 96, no 4.

FISCAL AFFAIRS

- 8. Do you support the proposition that there should be no increased spending for any Federal activity (excepting transfers from other operations where needed for U.S. security against Soviet-communism) until a balanced budget has been attained? Number yes 7,560, no 2,029; percentage yes 79, no 11.

- 9. Would you favor a \$200 increase in personal exemptions for taxpayers and dependents, to cost about \$5.5 billion in loss of revenues a year, over the pending tax bill to cost about \$11.1 billion in loss of revenues? Number yes 5,785, no 3,531; percentage yes 62, no 38.

- 10. Do you favor the pending tax reduction measure, taking into account the estimated deficit of \$10 billion for 1964, and another probable deficit of \$10 billion for 1965? Number yes 3,760, no 5,386; percentage yes 41, no 59.

MEDICAL ASSISTANCE FOR THE AGED—
SOCIAL SECURITY

- 11. Do you favor the retention of the Kerr-Mills Act, providing both unlimited hospital and medical care to citizens age 65 or over who show a financial need? Number yes 6,231, no 3,006; percentage yes 67, no 33.
- 12. Do you favor the King-Anderson proposal, providing hospitalization insurance funded by a one-half of 1 percent increase in social security payroll deductions for both employer and employee, with a \$400 increase in the social security base? Number yes 3,415, no 5,731; percentage yes 37, no 63.
- 13. Do you favor the Javits proposal, which would provide a voluntary national medical-surgical insurance plan at a cost of about \$100 per person a year in conjunction with a compulsory hospitalization plan similar to the King-Anderson proposal to be paid for by increased social security deductions? Number yes 2,694, no 6,188; percentage yes 30, no 70.
- 14. Would you favor reducing the age from 65 to 62 at which citizens showing financial need may be eligible to receive hospital and medical care under the present Kerr-Mills Act? Number yes 6,057, no 3,149; percentage yes 66, no 34.

CIVIL RIGHTS

- 15. Do you believe that civil rights should insure the exercise of all Constitutional and equal legal rights in public facilities or affairs for all citizens? Number yes 7,707, no 1,555; percentage yes 83, no 17.
- 16. Do you believe that the economic, sociological and moral phases of segregation and discrimination can be satisfactorily regulated by compulsory legal means? Number yes 1,691, no 7,664; percentage yes 18, no 82.
- 17. Do you believe that the leadership for civil rights places too little emphasis on the social problems, economic opportunities and the responsibilities of our citizens for self-improvement, and too great a reliance upon legalistic solutions? Number yes 8,164, no 1,149; percentage yes 88, no 12.
- 18. Do you believe that "sit-downs, marches, civil disobedience and/or violence" serves the ultimate good of the peoples of this Nation? Number yes 745, no 8,761; percentage yes 8, no 92.
- 19. Do you favor the public accommodations provision of the civil rights bill, under which the Attorney General is empowered to institute legal action against discrimination in restaurants, theaters, hotels, etc.? Number yes 3,991, no 5,376; percentage yes 43, no 57.
- 20. Shall employment, the sale and rental of homes, the composition of public school classes, etc. be governed by a compulsory legal formula of numerical quotas based upon race, ethnic origin or religion? Number yes 676, no 8,636; percentage yes 7, no 93.

JOINT MEETING OF U.S. FOREST SERVICE AND NATIONAL PARK SERVICE

(Mr. MORRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRIS. Mr. Speaker, a few weeks ago our President announced a

program of efficiency and economy in our Government. As chairman of the Subcommittee on National Parks and Outdoor Recreation, I am most pleased to announce to the House that the new and very able Director of the National Park Service, Mr. George Hartzog, has taken a lead along with Mr. Ed Cliff, Chief of the Forest Service and held the first meeting between the two agencies on policy matter in Washington on March 5, 1964.

SIGNIFICANCE OF JOINT U.S. FOREST SERVICE-NATIONAL PARK SERVICE MEETING

A very significant meeting took place in Washington, March 5, between the U.S. Forest Service and the National Park Service. The meeting was significant for several reasons.

Not too long ago we were hearing about differences between these two fine conservation agencies. There was public concern such could have harmful effects on the productive efforts of both organizations and the good they were trying to achieve.

Fortunately about a year ago through the joint efforts of Secretary Freeman and Secretary Udall an agreement was reached concerning several important jurisdictional responsibilities of the two agencies in managing public recreational areas. The letter to the President from the two Secretaries outlining the agreement said:

We are pleased to advise you that the Department of Agriculture and the Department of the Interior have developed a new conservation policy to help implement the outdoor recreation program of the administration.

We have reached agreement on a broad range of issues which should enable our Departments to enter into a new era of cooperation in the management of Federal lands for outdoor recreation. This agreement settles issues which have long been involved in public controversy, we have closed the book on these disputes and are now ready to harmoniously implement the agreed-upon solutions.

The decisions reached will do much to further development of Federal recreation resources, eliminate costly competition, promote cooperation, and recognize the major role that the Departments of Agriculture and the Interior both have in administering Federal lands under their jurisdiction for recreation purposes.

In approving the agreement the late President Kennedy said "it represents a milestone of conservation progress."

In the atmosphere of cooperation the agreement established, Chief Forester Cliff and Director Hartzog in a series of meetings have laid the groundwork for what it is hoped will become a massive assault on problems of mutual concern to their Bureaus and the complex task of meeting the public demand for additional recreational opportunities and services. The meeting on March 5 was what might be called a grassroots meeting. In attendance were the heads of the regional staffs of both Services. They will have the responsibility of seeing that the program is carried out at the field level.

In a number of instances forest lands and park lands are contiguous. That relationship provides an opportunity for joint land use planning, which should make it possible for both Services to

1000
H. R. 8070

TO THE HOUSE OF REPRESENTATIVES

OF THE SEVENTH CONGRESS

IN SENATE, FEBRUARY 18, 1861.

AN ACT

to provide for the purchase of a certain tract of land in the State of Texas, and for other purposes.

88TH CONGRESS
2D SESSION

H. R. 8070

IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, MARCH 9), 1964

Read twice and referred to the Committee on Interior and Insular Affairs

AN ACT

For the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 *That—*

4 DECLARATION OF POLICY

5 SECTION 1. It is hereby declared to be the policy of
6 Congress that the public lands of the United States shall
7 be (a) retained and managed or (b) disposed of, all in a
8 manner to provide the maximum benefit for the general
9 public.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

19 (b) The Commission shall be composed of nineteen
20 members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to

1 be appointed by the Speaker of the House of Repre-
2 sentatives;

3 (iii) Six persons to be appointed by the President
4 of the United States from among persons who at the time
5 appointment is to be made hereunder are not, and within
6 a period of one year immediately preceding that time
7 have not been, officers or employees of the United States;
8 but, the foregoing or any other provision of law notwith-
9 standing, there may be appointed, under this paragraph,
10 any person who is retained, designated, appointed, or
11 employed by any instrumentality of the executive branch
12 of the Government or by any independent agency of the
13 United States to perform, with or without compensation,
14 temporary duties on either a full-time or intermittent
15 basis for not to exceed one hundred and thirty days dur-
16 ing any period of three hundred and sixty-five consecu-
17 tive days; and

18 (iv) One person, elected by majority vote of the
19 other eighteen, who shall be the Chairman of the Com-
20 mission.

21 (c) Any vacancy which may occur on the Commission
22 shall not affect its powers or functions but shall be filled in the
23 same manner in which the original appointment was made.

24 (d) The organization meeting of the Commission shall
25 be held at such time and place as may be specified in a call

1 issued jointly by the senior member appointed by the Presi-
2 dent of the Senate and the senior member appointed by the
3 Speaker of the House of Representatives.

4 (e) Ten members of the Commission shall constitute a
5 quorum, but a smaller number, as determined by the Com-
6 mission, may conduct hearings.

7 (f) Members of Congress who are members of the Com-
8 mission shall serve without compensation in addition to that
9 received for their services as Members of Congress; but they
10 shall be reimbursed for travel, subsistence, and other neces-
11 sary expenses incurred by them in the performance of the
12 duties vested in the Commission.

13 (g) The members appointed by the President shall each
14 receive \$50 per diem when engaged in the actual per-
15 formance of duties vested in the Commission, plus reimburse-
16 ment for travel, subsistence, and other necessary expenses
17 incurred by them in the performance of such duties.

18 DUTIES OF THE COMMISSION

19 SEC. 4. (a) The Commission shall (i) study existing
20 statutes and regulations governing the retention, manage-
21 ment, and disposition of the public lands; (ii) review the
22 policies and practices of the Federal agencies charged with
23 administrative jurisdiction over such lands insofar as such
24 policies and practices relate to the retention, management,

1 and disposition of those lands; (iii) compile data necessary
2 to understand and determine the various demands on the
3 public lands which now exist and which are likely to exist
4 within the foreseeable future; and (iv) recommend such
5 modifications in existing laws, regulations, policies, and
6 practices as will, in the judgment of the Commission, best
7 serve to carry out the policy set forth in section 1 of this
8 Act.

9 (b) The Commission shall, not later than December
10 31, 1967, submit to the President and the Congress its
11 final report. It shall cease to exist six months after sub-
12 mission of said report or on June 30, 1968, whichever
13 is earlier. All records and papers of the Commission shall
14 thereupon be delivered to the Administrator of General
15 Services for deposit in the Archives of the United States.

16 DEPARTMENTAL LIAISON OFFICERS

17 SEC. 5. The Chairman of the Commission shall request
18 the head of each Federal department or independent agency
19 which has an interest in or responsibility with respect to the
20 retention, management, or disposition of the public lands to
21 appoint, and the head of such department or agency shall
22 appoint, a liaison officer who shall work closely with the
23 Commission and its staff in matters pertaining to this Act.

ADVISORY COUNCIL

1
2 SEC. 6. (a) There is hereby established an Advisory
3 Council, which shall consist of the liaison officers appointed
4 under section 5 of this Act, together with 25 additional
5 members appointed by the Commission who shall be repre-
6 sentative of the various major citizens' groups interested in
7 problems relating to the retention, management, and disposi-
8 tion of the public lands, including the following: Organiza-
9 tions representative of State and local government, private
10 organizations working in the field of public land management
11 and outdoor recreation resources and opportunities, land-
12 owners, forestry interests, livestock interests, mining inter-
13 ests, oil and gas interests, commercial and sport fishing in-
14 terests, commercial outdoor recreation interests, industry,
15 education, labor, and public utilities. Any vacancy occurring
16 on the Advisory Council shall be filled in the same manner as
17 the original appointment.

18 (b) The Advisory Council shall advise and counsel the
19 Commission concerning matters within the jurisdiction of
20 the Commission.

21 (c) Members of the Advisory Council shall serve with-
22 out compensation, but shall be entitled to reimbursement for
23 actual travel and subsistence expenses incurred in attending
24 meetings of the Council called or approved by the Chairman

1 of the Commission or in carrying out duties assigned by the
2 Chairman.

3 (d) The Chairman of the Commission shall call an
4 organization meeting of the Advisory Council as soon as
5 practicable, a meeting of such council each six months there-
6 after, and a final meeting prior to approval of the final re-
7 port by the Commission.

8 GOVERNORS' REPRESENTATIVES

9 SEC. 7. The Chairman of the Commission shall invite the
10 Governor of each State to designate a representative to work
11 closely with the Commission and its staff and with the ad-
12 visory council in matters pertaining to this Act.

13 POWERS OF THE COMMISSION

14 SEC. 8. (a) The Commission or, on authorization of the
15 Commission, any committee of two or more members, at least
16 one of whom shall be of each major political party, may, for
17 the purpose of carrying out the provisions of this Act, hold
18 such hearings and sit and act at such times and places as
19 the Commission or such authorized committee may deem ad-
20 visable. Subpenas for the attendance and testimony of wit-
21 nesses or the production of written or other matter may be
22 issued only on the authority of the Commission and shall be
23 served by anyone designated by the Chairman of the
24 Commission.

1 The Commission shall not issue any subpoena for the at-
2 tendance and testimony of witnesses or for the production of
3 written or other matters which would require the presence of
4 the parties subpoenaed at a hearing to be held outside of the
5 State wherein the witness is found or resides or transacts
6 business.

7 A witness may submit material on a confidential basis
8 for the use of the Commission and, if so submitted, the Com-
9 mission shall not make the material public. The provisions
10 of sections 102-104, inclusive, of the Revised Statutes (2
11 U.S.C. 192-194) shall apply in case of any failure of any
12 witness to comply with any subpoena or testimony when
13 summoned under this section.

14 (b) The Commission is authorized to secure from any
15 department, agency, or individual instrumentality of the
16 executive branch of the Government any information it
17 deems necessary to carry out its functions under this Act and
18 each such department, agency, and instrumentality is author-
19 ized and directed to furnish such information to the Commis-
20 sion upon request made by the Chairman or the Vice Chair-
21 man when acting as Chairman.

22 (c) If the Commission requires of any witness or of
23 any governmental agency production of any materials which
24 have theretofore been submitted to a government agency on a
25 confidential basis, and the confidentiality of those materials is

1 protected by statute, the material so produced shall be held
2 confidential by the Commission.

3 APPROPRIATIONS, EXPENSES, AND PERSONNEL

4 SEC. 9. (a) There are hereby authorized to be appro-
5 priated such sums, but not more than \$4,000,000, as may be
6 necessary to carry out the provisions of this Act and such
7 moneys as may be appropriated shall be available to the
8 Commission until expended.

9 (b) The Commission is authorized, without regard to
10 the civil service laws and regulations and without regard
11 to the Classification Act of 1949, as amended, to fix the
12 compensation of its Chairman and appoint and fix the
13 compensation of its staff director, and such additional per-
14 sonnel as may be necessary to enable it to carry out its
15 functions except that any Federal employees subject to the
16 civil service laws and regulations who may be employed
17 by the Commission shall retain civil service status without
18 interruption or loss of status or privilege.

19 (c) The Commission is authorized to enter into con-
20 tracts or agreements for studies and surveys with public
21 and private organizations and, if necessary, to transfer funds
22 to Federal agencies from sums appropriated pursuant to
23 this Act to carry out such aspects of the review as the Com-
24 mission determines can best be carried out in that manner.

25 (d) Service of an individual as a member of the Ad-

visory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

DEFINITION OF "PUBLIC LANDS"

SEC. 10. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, and (f) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Passed the House of Representatives March 10, 1964.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

For the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

MARCH 11 (legislative day, MARCH 9), 1964

Read twice and referred to the Committee on Interior and Insular Affairs

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

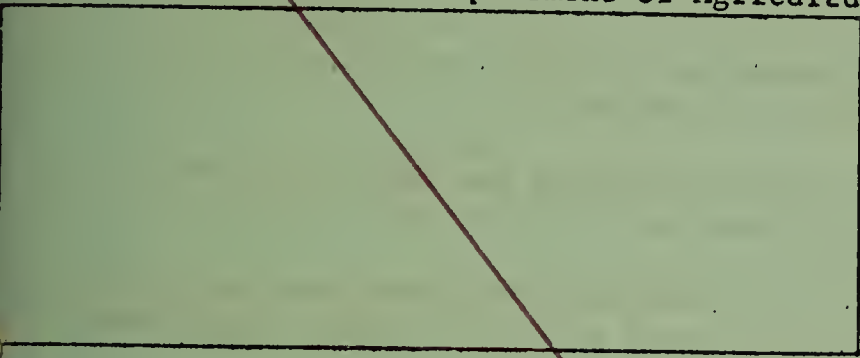
(For information only;
should not be quoted
or cited)

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
Washington, D. C. 20250

Issued July 28, 1964
For actions of July 27, 1964
88th-2nd; No. 143

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HIGHLIGHTS: House subcommittee voted to report bills to: Extend technical help in community projects; Increase crop insurance counties; and re election and function of ASC committeemen. Senate began debate on bill with meat-import restrictions. Senate subcommittees voted to report independent offices appropriation bill and Public Land Review Commission bill.

HOUSE

1. AGRICULTURE COMMITTEE. A subcommittee of the Agriculture Committee voted to report to the full committee H. R. 5406, with amendment, to authorize the Secretary of Agriculture to cooperate with States in planning changes in use of agricultural land; H. R. 9178, to amend the Soil Conservation and Domestic Allotment Act regarding election and functioning of ASC committeemen; S. 277, to increase the number of new counties in which crop insurance may be offered; and H. R. 8290, with amendment, to accept a transfer of certain lands within Everglades National Park. p. D593
2. CONTAINERS. Concurred in the Senate amendment to H. R. 6413, to permit the sale in D.C. of milk and ice cream and other frozen dairy products in smaller containers than now permitted. This bill will now be sent to the President. p. 16400

SENATE

3. MEAT IMPORTS. Began debate on H. R. 1839, to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States, including an amendment which would impose quotas on the importation of meat and meat products. pp. 16495-505

4. RECLAMATION. Both Houses received a letter from Interior reporting that a soil survey and land classification has been made of the lands in the Clear Creek South Unit, Trinity River Division, Central Valley project, Calif., and that the lands to be irrigated are susceptible to the production of agricultural crops. pp. 16420, 16421
The Irrigation and Reclamation Subcommittee approved for full committee consideration the Moss substitute to S. 1658, authorizing construction and operation of the Central Arizona project, Arizona and New Mexico. p. D592
5. RECREATION. Sen. Douglas urged approval of S. 2249, to establish the Indiana Dunes National Lakeshore, and inserted an editorial praising the bill as "a realistic and workable compromise." pp. 16438-9
6. EDUCATION. Sen. Hartke inserted a letter praising the work-study provisions of S. 2490, the college student assistance bill. p. 16439
7. APPROPRIATIONS. A subcommittee of the Appropriations Committee approved with amendments for full committee consideration H. R. 11296, the independent offices appropriation bill.. p. D592
8. PUBLIC LANDS. The Public Lands Subcommittee of the Interior and Insular Affairs Committee approved with amendments for full committee consideration H. R. 8070, to establish a Public Land Law Review Commission, and H. R. 5498, authorizing the sale of public lands not needed for Federal program requirements. p. D592

ITEMS IN APPENDIX

9. WHEAT; FLOUR. Rep. Findley inserted an article, "Freeman Blunders on Wheat, Flour Prices..." pp. A3904-5
10. NATIONAL PARK. Extension of remarks of Rep. McFall inserting Rep. Johnson's speech in which he traced the history of Yosemite National Park. pp. A3906-7
11. POVERTY. Extension of remarks of Rep. Pucinski inserting an article "which clearly and concisely marshals the arguments as to why President Johnson's bold program to reduce poverty in this country is urgently needed." pp. A3907-8
12. APPALACHIA. Extension of remarks of Rep. Schwengel inserting excerpts from a radio interview in which Rep. Mahon expressed his opinion that the proposed Appalachian bill is "too ambitious." p. A3910
13. CORN. Extension of remarks of Sen. Hartke praising the development of a high-protein corn and inserting an editorial noting the great possibilities for use of this corn in underdeveloped nations. pp. A3893-4
14. CANTALOUPS. Extension of remarks of Sen. Yarborough and insertion of an article praising the qualities of Pecos Valley, Tex., cantaloups. p. A3896
15. ECONOMY. Rep. Udall inserted an article outlining the posture of the Nation's economy. pp. A3897-9
16. TAXES. Sen. Johnston and Rep. Pucinski inserted an article by Paul Samuelson showing the salutary effects on the economy of the tax cut. pp. A3900-1, A3903

July 31, 1964

Passed as reported S. 1531, to increase the appropriations authorization for the completion of the construction of the irrigation and power systems of the Flathead Indian irrigation project, Mont. p. 16948

The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 1658, authorizing construction of the Central Arizona project, Ariz. and N. Mex. p. D617

19. PUBLIC WORKS APPROPRIATION BILL, 1965. A subcommittee of the Appropriations Committee approved for full committee consideration this bill. H. R. 11579. p. D617
 20. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 5498, ~~authorizing sale of public lands not needed for Federal program requirements~~; and H. R. 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to administration of the public lands. p. D617
 21. WOOL. Passed as reported S. 1778, permitting wool products to be sold without a label whenever disclosure of wool fiber content is not necessary for the protection of the consumer. p. 16974
 22. TECHNOLOGY. Passed as reported H. R. 11611, to establish a National Commission on Technology, Automation, and Economic Progress. pp. 16985-91
 23. ROADS. Concurred in the House amendments to the Senate amendments on H. R. 10503, the road authorization bill. This bill will now be sent to the President. pp. 17006-7
 24. HOUSING; LOANS. Passed with amendments S. 3049, the housing bill (pp. 16984-5, 16992-020). This bill includes provisions to extend certain rural housing programs (under Secs. 511, 512, 513, and 515 of the Housing Act of 1949) until October 1, 1965; authorize \$150,000,000 additional for direct housing loans administered by the Farmers Home Administration; increase from \$100,000 to \$300,000 the maximum amount of a loan which may be insured under Sec. 515 (b) for rental housing and related facilities for the elderly in rural areas; make immigrant farm laborers permanently residing in the U. S. after legal entry for permanent residence, as well as citizen farm laborers, eligible to occupy housing financed with loans under Sec. 514(f) of the Housing Act of 1949; and authorize grants for low-rent housing for domestic farm labor. Rejected, 19-64, an amendment by Sen. Tower to substitute a more limited version for the bill as reported (pp. 16999-007).
- SENATE - August 1
25. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 17103, 17132-35
 26. EDUCATION. Passed without amendment S. 3060, to amend the National Defense Education Act, including a 3-year extension of that Act, and a 2-year extension of impacted-areas education legislation. pp. 17103-19
 27. METEOROLOGICAL SERVICES. Passed without amendment S. 970, to authorize the Secretary of Commerce to utilize funds received from State and local governments for special meteorological services. p. 17132

28. RESEARCH. Sen. Carlson stated that "the enormously productive agriculture of the United States today rests directly upon the research and educational effectiveness of the land-grant colleges and universities and the Department of Agriculture," and inserted an editorial on the subject. pp. 17087-8
29. ECONOMY. Sen. Humphrey inserted two articles discussing the President's optimism over economy. pp. 17090-1
30. COFFEE. Sen. Douglas called attention to the fact that coffee prices increased approximately one-half cent per pound in the day following the passage of the "coffee bill," stated that "this is only the beginning," and urged a close watch on what happens to coffee prices. p. 17136
31. RECLAMATION. Passed without amendment H. R. 1892, to repeal the Pittman Act of 1919 which had provided for grants of public lands in Nev. in order to encourage reclamation of desert lands. This bill will now be sent to the President. p. 17130
32. AJOURNED until Mon., Aug. 3. p. 17136

ITEMS IN APPENDIX

33. WILDERNESS. Extension of remarks of Rep. Fraser expressing his "unequivocal support" for the wilderness bill. pp. A4035-6
34. COTTON. Rep. Teague inserted an address by B. C. Jackson, general chairman of the 25th annual American Cotton Congress, "Cotton's Past, Present, and Future." pp. A4039-40

BILLS INTRODUCED

35. RECREATION. S. 3054, by Sen. McGee, to establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming; to Interior and Insular Affairs Committee
36. FOREIGN TRADE. S. Con. Res. 91, by Sen. Douglas, to express the sense of the Congress that the United States should, on agricultural commodities as well as other commodities, bargain and negotiate in good faith as it is pledged to do under the Reciprocal Trade Act; to Finance Committee. Remarks of author, pp. 16900-1

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COMMITTEE HEARINGS AUG. 3:

Agricultura appropriations, S. Appropriations (exec. - to mark up).
Proxmire dairy bill, H. Agriculture.
Pay bill, conferees (exec).

o0o

11. ADJOURNED until Mon., Aug. 17. p. 191905

HOUSE - Aug. 15

12. STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATION BILL, 1965. The "Daily Digest" states that the conferees agreed to file a report on this bill, H. R. 11134. p. D702

SENATE - Aug. 14

13. INDEPENDENT OFFICES APPROPRIATION BILL, 1965. Agreed to the conference report on this bill, H. R. 11296, and concurred in House amendments to two items in disagreement. This bill will now be sent to the President. pp. 18929-34

14. HOUSING. Disagreed to the House amendment to S. 3049, the housing bill. Conferees were appointed. pp. 18980-90

15. POVERTY. Sen. Simpson inserted an article critical of the poverty bill. pp. 18920-1

16. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 18935-49, 18954-68, 18993-9, 19001-12

17. NATIONAL PARK. Concurred in the House amendments to S. 16, establishing the Ozark National Rivers, Mo. This bill will now be sent to the President. pp. 18999-19000

Passed without amendment H. R. 946, to authorize the establishment of the Fort Bowie National Historic Site, Ariz. This bill will now be sent to the President. p. 19001

18. ELECTRIFICATION. Concurred in the House amendment to S. 502, to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam. This bill will now be sent to the President. pp. 19000-1

19. ACCOUNTING. Passed without amendment H. R. 10446, to permit the use of statistical sampling procedures in the examination of vouchers. This bill will now be sent to the President. p. 19014

20. CLAIMS. Passed as reported H. R. 6910, to provide for the settlement of claims against the U. S. by members of the uniformed services and civilian officers and employees of the U. S. for damage to, or loss of, personal property incident to their service. p. 19014

Received a letter from this Department reporting tort claims paid in fiscal year 1964; to Judiciary Committee. p. 18903

21. CONTAINERS. Passed without amendment H. R. 9334, to amend the Standard Container Act of 1928 relating to standards of containers for fruits and vegetables, so as to permit the use of additional standard containers. This bill will now be sent to the President. p. 19015

22. ECONOMICS. Sen. Humphrey inserted his statement supporting S. 2274, to establish a National Economic Conversion Commission. pp. 19018-20

23. HOLIDAY. The Judiciary Committee reported without amendment S. 108, making Columbus Day a legal holiday (S. Rept. 1438). p. 18903

24. VEHICLES. The Commerce Committee reported without amendment H. R. 1341, to re-

quire passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards (S. Rept. 1440). p. 18903

25. EDUCATION. The Labor and Public Welfare Committee ordered reported (but did not actually report) an original bill, the higher education student assistance bill of 1964. p. D697

SENATE - Aug. 15

26. PUBLIC LANDS. The Interior and Insular Affairs Committee reported with amendments H. R. 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the U. S. (S. Rept. 1444). p. 19108
27. AUDIT. Passed without amendment H. R. 4223, to provide for an audit of account of private corporations established under Federal law. This bill will now be sent to the President. p. 19133
28. HOLIDAY. Passed without amendment S. 108, making Columbus Day a legal holiday. p. 19136
29. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. pp. 19123-8, 19140-5, 19147-50
30. FISH PROTEIN. Sen. Douglas urged approval for sale of high protein fish concentrate. pp. 19116-7
31. PAY. Sen. Johnston inserted the remarks of President Johnson when he signed the pay bill. p. 19151
32. EXPOSITIONS. Passed without amendment S. J. Res. 162, authorizing the President to call upon the States and foreign countries in the International Exposition for southern Calif. p. 19128

ITEMS IN APPENDIX

33. MEAT IMPORTS. Extension of remarks of Rep. Burke opposing the meat-import restriction bill, and stating "the rigid import bill will not help the cattlemen and at the same time it will adversely affect our farm and industrial exports. pp. A4313-4
34. HOLIDAY. Extension of remarks of Rep. Carey expressing his support for the bill to make Columbus Day a national holiday. pp. A4316-7
35. APPALACHIA; ROADS. Extension of remarks of Rep. Saylor inserting correspondence with the Dept. of Commerce concerning his proposal that all highways in the Appalachia region be constructed on a 90-percent Federal and 10-percent State ration. pp. A4319-20
36. POVERTY. Rep. Edmondson inserted Sargent Shriver's address before Georgetown University in which he discussed the Peace Corps and the proposed poverty program. pp. A4324-6
37. FOOD STAMPS. Rep. Sullivan inserted an article, "Congress Clears Food Stamp Plan for the Needy--Nationwide Program Would Provide Assistance for Any Area Asking It." p. A4330

ESTABLISHMENT OF PUBLIC LAND LAW REVIEW COMMISSION

AUGUST 15, 1964.—Ordered to be printed

Mr. BIBLE, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H.R. 8070]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes, having considered the same, report favorably thereon with amendments, and recommend that the bill as amended do pass.

AMENDMENTS

On page 5, lines 9 and 10, strike the words "Dec. 31, 1967" and substitute the words "June 30, 1968".

On page 5, line 12, strike the words, "June 30, 1968," and substitute the words "December 31, 1968,".

The purpose of the amendments is to extend the effective life of the Commission and its work 6 months beyond that allowed in the original measure.

On page 10, line 16, strike "national forests, and (f)", and insert in lieu thereof "national forests, (f) wildlife refuges and ranges, and (g)".

This amendment provides for the inclusion of wildlife ranges and refuges in the definition of public lands.

PURPOSE AND BACKGROUND

Enactment of H.R. 8070 will permit a comprehensive review of the policies applicable to the use, management, and disposition of the public domain lands of the United States. The first public domain of the United States was created when the original 13 States ceded to the Federal Government lands westward to the Mississippi River as part

of the compromises attendant upon the formation of the Union and the adoption of the Constitution.

The Constitution itself provides in article IV, section 3, clause 2:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

Disposal policy

From the beginning, Congress followed a policy of disposing of the public lands. Land was plentiful; it was sold to raise revenue and at the same time it was used to pay our soldiers and to reward our heroes.

In the Homestead Act of 1862 and the mining laws of 1866 and 1872, along with several acts of that day of lesser applicability, the Congress adopted the policy of permitting the developers of land to obtain title thereto with little or no monetary payment to the United States. The land-grant college system was established on this principle. The United States entered an era that saw the West developed.

It has been commonplace for many years to say that the "good" agricultural lands have long since been settled; and that the "easily found" minerals have been discovered and developed. The inference of these truisms is that the public land laws must be examined to ascertain whether they serve the changed conditions.

The most recent public land law is the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), which starts with the proclamation:

In order to promote the highest use of the public lands pending its final disposal * * *.

The Taylor Act provided for the establishment of grazing districts, for the use of grazing land, and for the classification of our vacant public lands before title could be transferred under any of the disposition laws. The 1934 act, aside from stabilizing the distressed cattle and sheep industries, may be considered to have been a holding action insofar as public land use is concerned. Congress, in recognition of the underlying policy that had been followed until that time, prefaced its grant of authority to the Secretary of the Interior by the statement quoted above regarding interim use of the public lands, "pending its final disposal." At the same time Congress recognized that the vacant public lands could no longer all be kept open for appropriation and settlement.

The one exception was the mining law. Locations and entries under the mining laws were specifically permitted without regard to the classification of the lands. Nonetheless, the Secretary of the Interior has withdrawn from the operation of the mining laws millions of acres of public lands without express statutory authority therefor.

It is also well to note at this time that the acquisition of the public domain, which had started in 1781 with State cessions, was completed in 1867 with the purchase of Alaska, with the last acquisition within the area now constituting the Southern 48 States having been accomplished in 1853. In other words, Alaska and the acquisition of land through exchange aside, there have been only reductions in the public lands for 110 years.

We should also take note at this time that in 1872 the Congress passed an act creating the Yellowstone National Park and thereby established the principle that some of our public lands should be set aside and retained for future generations. The act of March 3, 1891

(26 Stat. 1103), authorized the President to reserve suitable lands as national forests.¹

Another landmark statute is the act of June 8, 1906 (34 Stat. 225) which authorizes the President to set aside, as national monuments, lands containing objects of historic interest. In the meantime Congress, by individual acts, had established certain national parks and by the act of August 25, 1916 (39 Stat. 535), established the National Park Service to administer the national parks and monuments.

Despite the fact that, statutorily, the policy of the United States envisions ultimate disposal of the public lands unless specifically directed otherwise by the Congress, President John F. Kennedy pointed up the gaps in existing law when he stated, in a letter to the chairman of this committee dated January 17, 1963:

My predecessors have been acutely aware of the dilemmas facing the Secretaries of Agriculture and Interior as principal administrators of the original public domain. Whenever they have been faced with a reasonable alternative of continued public ownership and management, or disposition, they have generally elected the former.

The committee does not mean to infer that the executive branch has not sought new legislation. Quite the contrary is true. Since the 80th Congress this committee has been engaged in a continuing study of proposed basic changes in the public land laws. Many of these proposed changes have been submitted by executive communication, others were initiated by individual members.

During the 88th Congress among the proposals submitted by the Secretary of the Interior are bills to (1) grant broad sales authority to the Secretary of the Interior; (2) broaden the exchange authority of the Secretary of the Interior; and (3) consolidate and "simplify" the laws governing the grant of easements across public lands.

Deficiencies in existing public land laws

The committee does not rely on the pendency of legislation as an indicator of deficiencies or inadequacies found in existing statutes. The hearings conducted by this committee's Subcommittee on Public Lands demonstrated conclusively that there are several such deficiencies or inadequacies:

1. The principal difficulty is the failure of Congress to provide for the Secretary of the Interior legislative guidelines by which the executive department can make determinations between competing demands for the same piece of land. The fact of the matter is that, although there is no general statute permitting retention of lands, a Secretary of the Interior so oriented could, by failure to classify lands as suitable for disposition, provide for their retention. And the requirement of the Taylor Grazing Act that the public lands remain open to location and entry under the mining laws could likewise become meaningless through administrative determinations under the mining laws.

2. Another situation examined by the subcommittee involved the termination of grazing permits granted under the Taylor Grazing Act. Because of the widespread demand for the use of public domain lands in our buildup for World War II, the act of July 9, 1942 (56

¹ The act of June 25, 1910 (36 Stat. 847) prohibits additions to forests established theretofore or the creation of new forests in California, Oregon, Washington, Idaho, Montana, Colorado, and Wyoming.

Stat. 654), provided that whenever grazing permits were terminated because of defense utilization, the permittee or licensee would be paid for all his losses. However, there is no general law to permit similar payment of losses in situations where land is taken for other public use.

3. The presence on the statute books of such acts as the Desert Land Entry Act invites people to spend time and money in an endeavor that may be foredoomed because of changed conditions or, in any event, the absolute discretion placed in the Secretary of the Interior to classify the lands as being suitable for such purpose before they can be opened to entry.

4. Although many western communities cannot expand without utilizing public lands, there is no general authority on the statute books whereby lands can be made available for such purpose. Accordingly, it has been necessary for the committee to consider and act on individual bills authorizing the sale of land to individual communities. Similarly, there is no general authority whereby lands can be made available for necessary private development of residential, commercial, and industrial facilities.

5. In 1926 Congress enacted the Recreation and Public Purposes Act to encourage local and State agencies and nonprofit private organizations to obtain public lands for recreational development. Nonetheless, many lands that should be developed for recreational purposes apparently cannot be transferred to non-Federal ownership. While the alternative would seem to indicate that the lands should be retained by the United States, there is no general statutory authority for the retention of public lands for Federal recreational development.

No purpose would be served by listing other acts and actions requiring review. The committee has concluded that only by reviewing all the public land laws can we hope to frame legislation that will satisfy the requirements of the 1960's.

Extent of public lands

Bureau of Land Management statistics indicate that there are approximately 438 million acres of public lands that have not been committed to specific use; of the total 271 million acres are in Alaska and 167 million acres are in the continental United States.

The so-called vacant public lands that have not been committed for a specific use either by statute or regulation pursuant to statute, while distributed among 28 States, are primarily concentrated in the 11 Western States comprising the 8 Mountain States and the 3 continental Pacific States. The eight Mountain States are Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada; the three Pacific States are Washington, Oregon, and California.

The impact of all public lands, whether committed or uncommitted, on the economy of these 11 Western States can be recognized readily when we consider the following pertinent facts:

1. Statistics compiled by General Services Administration in its inventory report on real property owned by the United States show that 48.1 percent of the total land area in the 11 Western States is owned by the Federal Government. The percentages range from 86.9 percent owned by the Federal Government in the State of Nevada to 29.5 percent in the State of Washington.

2. The 11 States involved had, according to the latest available Statistical Abstract of the United States, a combined 1961 population of 28.1 million people.

3. There have been definite trends toward an increase in population in the 11 Western States mentioned above; it is estimated that the westward movement will continue, and that by 1970, 37 million people will live in the Mountain and Pacific States.

The committee submits the obvious conclusion that in these areas where the Federal Government is such a large owner it will be necessary to make more intensive use of the public lands in order to accommodate the increased population.

Temporary commission required

It is the considered opinion of the committee that the necessary comprehensive study required of the public land laws cannot be carried out successfully by this committee acting alone. The committee believes that due to the many and varied factors, considerations, and interests involved, only a bipartisan commission supplemented by an advisory council made up of the many interested users of the public lands would be in a position to coordinate and supervise effectively such a broad study.

H.R. 8070, if enacted as amended, will establish such a bipartisan commission to conduct a review of existing public land laws and regulations and recommend revisions necessary therein. The commission and its staff would be assisted by liaison officers from Federal agencies with a direct interest.

SECTIONAL ANALYSIS

H.R. 8070, as amended by the committee, provides the necessary framework for the study outlined above:

1. In a declaration of policy the bill presents the necessary guidelines for the Commission declaring that public lands of the United States shall be—

(a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

The committee takes no position as to these alternatives, which shall be exclusively within the scope of recommendations to be made by the Commission.

2. The declaration of purpose recognizes that the public land laws of the United States have not been fully correlated and that a comprehensive review is necessary to determine whether and to what extent revisions are necessary.

3. The bill would establish a 19-member Commission composed of 6 members of the House Interior Committee, 6 members of the Senate Interior Committee, 6 members appointed by the President from persons outside of the Federal Government, and a Chairman elected by the first 18.

4. The Commission would be charged with the responsibility of studying existing statutes and regulations governing public lands, of reviewing policies and practices of Federal agencies in the field, compiling data necessary for a determination and understanding of the various demands on the public lands which now exist and which are likely to exist in the future, and finally to recommend modifications deemed necessary in existing laws, regulations, policies, and practices.

5. The Commission would be required to submit its report to the President and the Congress by June 30, 1968. It would cease to exist 6 months after submission of its report or by December 31, 1968, whichever is earlier.

6. Each Federal agency concerned with public lands would appoint a liaison officer to work with the Commission and its staff.

7. There would be established an advisory council consisting of the Federal agency liaison officers together with 25 additional members representing those interested in the use of the public lands. This advisory council would not be an independent body and would function only for the benefit of the Public Land Law Review Commission.

8. Provision is made for a representative from each State to work closely with the Commission and its staff and with the advisory council.

9. The Commission would be given limited subpoena power in order to enforce attendance of witnesses and the submission of required data.

10. In authorizing appropriation of funds the committee has placed a limitation of \$4 million on the amount to be afforded the Commission during its life. The Commission would be authorized to appoint and fix compensation of its full-time Chairman and staff director; all members of the Commission, except the Chairman, would serve without compensation.

11. The term "public lands," as used in the act, is defined in section 10 of H.R. 8070.

COST

H.R. 8070 authorizes maximum appropriations of \$4 million during the projected tenure of the Public Land Law Review Commission.

DEPARTMENTAL RECOMMENDATIONS

The executive departments involved favor establishment of a Public Land Law Review Commission as set forth in the following reports:

U.S. DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,

Washington, D.C., September 6, 1963.

Hon. WAYNE N. ASPINALL,

*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. ASPINALL: This responds to your committee's request for our views on House Joint Resolution 52, a joint resolution for the establishment of a commission to study the nonmineral public land laws of the United States to facilitate the enactment of a more effective, simplified, and adequate system of laws governing the transfer of title to public lands to individuals, associations, corporations, and to States and local governments or their instrumentalities, and on H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, identical bills for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

We recommend that any of H.R. 8070 group be enacted, if amended as set forth below, and we recommend that House Joint Resolution 52 not be enacted.

House Joint Resolution 52 would establish a commission to study present nonmineral public land laws. It would be charged with the responsibility of recommending an adequate, modern, and simplified body of nonmineral public land laws to be administered by the Secretary of the Interior through the Bureau of Land Management. The nine-member Commission would be bipartisan. Three members

would be appointed by the President of the Senate, and three would be appointed by the Speaker of the House of Representatives; in each case, not more than two would be from the same political party. The remaining three members would be appointed by the President from persons either in private life or in the Federal Government who have a professional interest in proper land use and tenure. The members of the Commission would elect from among their own members a chairman and vice chairman. The Commission would be authorized to employ such a staff as it deemed necessary and advisable. Finally, the resolution would authorize the appropriation of \$150,000 to finance the study.

Section 1 of H.R. 8070 declares it to be the policy of the Congress that the public lands of the United States shall be retained or managed or disposed of, all in a manner to provide the maximum benefit for the general public.

Section 2 of H.R. 8070 recites that because the public land laws of the United States have developed over a long period of years through a series of laws which are not fully correlated with each other and because those laws or some of them may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and to determine whether, and to what extent, revisions are necessary.

Section 3 of H.R. 8070 sets up a Commission to be known as the Public Land Law Review Commission, composed of 19 members. The President of the Senate would select three majority and three minority members of the Senate Interior and Insular Affairs Committee, the Speaker of the House of Representatives would similarly select three majority and three minority members of the House Interior and Insular Affairs Committee, and the President would select six persons from the executive branch of the Government. These 18 persons would elect by majority vote another person who would be the Chairman of the Commission. Any vacancy which might occur on the Commission would not affect its powers or functions but would be filled in the same manner in which the original appointment was made. The organization meeting of the Commission would be held at such time and place as would be specified in the call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives. Ten members of the Commission would constitute a quorum, but a smaller number, as determined by the Commission, could conduct hearings. The Commission members, except the Chairman, would serve without any compensation in addition to their regular salary but each member would be entitled to reimbursement for travel and subsistence expenses incurred in the service of the Commission when engaged in Commission business.

Section 4 of the bill provides that the Commission shall study existing statutes and regulations governing the retention, management, and disposition of the public lands, review the policies and practices of the Federal agencies charged with the administrative jurisdiction over such lands insofar as such policies and practices relate to the administration of those lands, compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future, and

recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy enunciated in section 1 of the bill.

The Commission would be required not later than December 31, 1967, to submit to the President and the Congress its final report. The Commission would cease to exist 6 months after submission of that report or on June 30, 1968, whichever is earlier. The documents of the Commission would thereupon be delivered to the Administrator of the General Services Administration for deposit in the Archives of the United States.

Section 5 of the bill provides that each Federal department or independent agency concerned with public lands would appoint, upon the request of the Commission, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to the Commission's operations.

Section 6 of the bill would establish an advisory council consisting of the liaison officers appointed under section 5, together with 25 additional members appointed by the Commission who would be representative of the various major citizens groups interested in problems pertaining to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education labor, and public utilities. The advisory council would be required to advise and counsel the Commission concerning matters within its jurisdiction. Members of the advisory council would serve without compensation but would be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Commission or its Chairman. The Chairman of the Commission would call an organization meeting of the advisory council as soon as practicable, a meeting of such council each 6 months thereafter, and a final meeting prior to approval of the final report by the Commission.

Section 7 of the bill invites the Governor of each State to designate a representative to work closely with the Commission and its staff and with the advisory council in matters concerning the bill.

Section 8 of the bill recites that the Commission, or on proper authorization thereof, any committee of the Commission may for the purpose of carrying out the purposes of the bill hold hearings, administer oaths, issue subpoenas as may be deemed advisable. The Commission would also be authorized to secure from any department, agency, or individual instrumentality of the executive branch any information it deems necessary to carry out its functions.

Section 9 of the bill would authorize to be appropriated such sums, but not more than \$4 million, to carry out the purposes of the bill and such moneys as may be appropriated shall be available to the Commission until expended. The Commission would be authorized to fix, without regard to the civil service laws, the compensation of its Chairman, appoint and fix the compensation of its staff director, and such additional personnel as may be necessary. Any Federal employee subject to the civil service laws and regulations who may be

employed by the Commission would retain civil service status without interruption or loss of status or privilege. The Commission would further be authorized to enter into contracts or agreements for studies and surveys with public and private organizations and if necessary to transfer funds to the Federal agency from appropriated funds to carry out special studies. Service of an individual as a member of the advisory council, as a representative of a Governor, or employment by the Commission of an attorney or expert in any area, whether on a part-time or full-time basis, with or without compensation, would not be considered as service or employment bringing such individuals within the purview of the conflict-of-interest statute, the act of October 23, 1962 (76 Stat. 1119).

Section 10 of the bill defines the term "public lands" as including (a) the public domain of the United States; (b) reservations, other than Indian reservations, created from the public domain; (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws; and (d) the surface and subsurface resources of all such lands.

The limitation in House Joint Resolution 52 as to the scope of the study, i.e., the nonmineral public land laws, sharply curtails the possible effectiveness and utility of the study. The interrelationship between mining claims and mineral leasing to surface disposition and resource management is so closely bound together as to require consideration of all. In contradistinction, H.R. 8070, and the other identical bills, provide for a study of all the public land laws, both mineral and nonmineral, but also (sec. 4(a)) of the "regulations governing the retention, management, and disposition of the public lands * * * the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands * * *." A study of the public land laws without reference to their administrative implementation as envisaged by House Joint Resolution 52, undoubtedly would be regarded by this Department as only of limited value. Moreover, H.R. 8070 provides for appointment of departmental liaison officers who would be members of an advisory council, together with 25 additional members representative of groups interested in various facets of public lands, thus tending to insure broad representation. Similarly, H.R. 8070 invites the Governor of each State to designate a representative to work with the Commission. House Joint Resolution 52 does not provide for such participation by non-Federal groups and entities. Moreover, H.R. 8070 authorizes the appropriation of up to \$4 million for the study in contradistinction to House Joint Resolution 52 which authorizes the sum of \$150,000 for such purpose, a sum, in our judgment, woefully inadequate for the desired purpose. It is our judgment, therefore, that enactment of House Joint Resolution 52 would not be likely to lead to fruitful results.

There is today an urgent need for a thorough study of the existing public land laws, policies, and procedures in order for the Congress to develop a sound public policy for the management, use, and disposition of the public lands which will meet the present and future needs of the American people. The various agencies managing public lands are presently operating under a complex system of public land laws which have developed in a "patchwork" fashion since the beginning of the Republic. Thousands of laws now govern the management,

use, and disposition of the public lands of the United States. Many of the laws reflect the social and economic conditions of the 19th and early 20th century and thus are predicated on essentially obsolete concepts, are of special purpose, and of limited scope. We believe the creation of the kind of commission contemplated by H.R. 8070 will focus professional attention to this urgent need. It should give considerable impetus to the establishment of coordinated public land management procedures and practices designed to meet the current and future demands on the public lands.

Section 1 of H.R. 8070 declares that it is "the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public."

This language conceivably might lend itself to the construction that disposition of all public lands is one of the alternatives envisaged by the policy. However, the statement made by the chairman of the House Interior and Insular Affairs Committee, at the American Bar Association meeting in Chicago on August 14, 1963, in explanation of the bill and an examination of other sections of the bill indicates rather clearly that the policy is intended to be both (a) and (b) as and where appropriate. We believe that section 1 of the bill envisages selective disposition of public lands and we are in accord with that principle.

We believe that section 10 should embrace, in the term "public lands," the reserved mineral interest owned by the United States in lands conveyed under the public land laws. Although the lands of the Outer Continental Shelf are not public lands, we believe that the Congress may wish to consider them in conjunction with the public lands study. Similarly, we believe that it would be desirable for the Commission's activities to embrace the interests retained by the United States in the disposition of public lands. We have in mind specifically (1) outstanding interests of the United States in railroad rights-of-way, (2) mineral and other reservations in dispositions of lands under the public land laws, and (3) defeasible titles or interests granted under the public land laws.

The scope of the study, as provided by section 4(a); i.e., " * * * the retention, management, and disposition of those lands * * *", when read in conjunction with section 10(d) which defines "public lands" as including "reservations, other than Indian reservations, created from the public domain * * *" deserves further comment. Under those provisions, the Commission would have a mandate to study (1) the administration of military areas, (2) wildlife refuges and fish hatcheries, (3) national parks, (4) power projects, (5) Coast Guard stations, (6) national forests, and (7) many other areas withdrawn from the public domain.

The study of the public land laws, policies, and practices is in and of itself a complex and time-consuming project. To proliferate the study into a study of any land which is still in Federal ownership, and which had an unwithdrawn public land status at some time, would inevitably spread the study so widely as to seriously impair its feasibility. It is noteworthy that national parks are established only by individual enactments of Congress. It would appear, therefore, that the establishment of such areas receives adequate congressional consideration. The administration of national parks is substantially different from that of the public domain—to a degree the objectives differ. Insofar as the lands administered by the Secretary of the

Interior through the National Park Service are concerned, we believe that only those lands which have not been established through specific statutory enactments should be included in the study, e.g., national monuments, and only as to their creation, but not their administration. For the Commission to get into a study of concession contracts, for example, in national parks and monuments, would be, in our judgment, a deviation from the purpose of the Commission.

We note that the definition of public lands in section 10(a) encompasses lands in the State of Alaska. The public lands in that State have problems which are sui generis, and probably will require special consideration and disposition by the Commission, in the light of the selection program under the Statehood Act of July 7, 1958 (72 Stat. 339), which provides for the selection of over 100 million acres of public lands.

We are not unaware that there are some acquired lands being managed in conjunction with public domain. It is our view, however, that the main thrust of the study should not be burdened by adding matters to the scope of the Commission's study which are not properly an integral and essential part thereof.

We wish to point out that the definition of "public lands" in the bill would not clearly encompass the revested Oregon & California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, which are administered by the Secretary of the Interior through the Bureau of Land Management.

We suggest for your consideration the following proposed amendments:

1. On page 4, line 18, insert after the period the following: "The duties of the Commission under this subsection shall not include a review of the management of any reservations heretofore established from the public domain."

2. On page 9, delete lines 5 to 11, inclusive, and substitute the following: "means (a) lands, including the surface and subsurface resources thereof, administered by the Secretary of the Interior through the Bureau of Land Management, including the revested Oregon & California Railroad and the reconveyed Coos Bay Wagon Road grant land in Oregon, but excluding acquired lands; (b) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws; and (c) the lands of the Outer Continental Shelf as defined in the Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331, et seq.)."

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 9, 1963.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. ASPINALL: This is in response to your request of August 15, 1963, for the report of this Department on H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, bills for the establishment of a Public

Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

We recommend the enactment of this legislation with the changes hereinafter suggested.

These bills would recognize the need for a comprehensive review of the public land laws which have developed over a long period of years and would establish a Commission for such purpose to be known as the Public Land Law Review Commission. The Commission would be comprised of 19 members—6 from the Senate Committee on Interior and Insular Affairs, to be appointed by the President of the Senate; 6 from the House Committee on Interior and Insular Affairs, to be appointed by the Speaker of the House; 6 from the executive branch, to be appointed by the President; and 1 to be chosen by the other members. This member would be the Chairman.

The bills would provide that the Commission would (1) study the existing statutes and regulations governing the retention, management, and disposition of the public lands; (2) review the policies and practices of Federal agencies insofar as they relate to the retention, management, and disposition of the public lands; (3) compile data to understand and determine the present and future demands on the public lands; and (4) recommend modifications in existing laws, regulations, policies, and practices.

The Commission would submit its final report not later than December 31, 1967, and would cease to exist 6 months after the submission of the report.

The bills would provide for liaison officers to be appointed by each Federal department or independent agency concerned with the retention, management, or disposition of public lands. An advisory council would be comprised of such liaison officers and 25 additional members to be appointed by the Commission representative of various interests.

The Governor of each State would be invited to designate representatives to work closely with the Commission.

The bills would provide for an appropriation of not to exceed \$4 million.

The bills would define "public lands" to include (1) the public domain; (2) reservations, other than Indian, created from the public domain; (3) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws; and (4) the surface and subsurface resources of such lands.

President Kennedy in his letter to you of January 17, 1963, states that "Your invitation to enter into a joint effort to review and revise the public land laws is * * * most welcome." Representatives of this Department have expressed to you our general concurrence in the Commission approach to this problem.

The present body of public land laws, including the mining and mineral leasing laws, is comprised of a multiplicity of separate enactments covering a span of a century and a half. During this period this Nation has grown from a relatively small number of States to the present 50. Areas which at the outset were totally undeveloped and unsettled are now developed and settled.

The constant increase in our population, our expanding commerce and industry, increases in productive capacity, improvements

in our standards of living, increased leisure time, upsurging demands for outdoor recreation opportunities—all these have brought about new pressures and changes in philosophy on the use and disposition of our public lands.

There can be no doubt that a study of our public land laws, including the mining and mineral leasing laws, is needed. The scope of the study must be carefully defined in order that the results may be expected to be as specific and beneficial as possible.

The definition of the term "public lands" in the bills would include basically the public domain, the reservations other than Indian created from the public domain, those lands of the public domain temporarily or permanently withdrawn from disposition under the public land laws (including the mining laws), and the surface and subsurface resources thereof. Thus "public lands" as used in the bill would in general mean the public domain land and the lands reserved or withdrawn from the public domain. We believe this is desirable if the scope of the study is limited as suggested hereinafter.

Lands which are reserved or withdrawn from the public domain are administered by many departments and agencies. The purposes for which these lands are administered are so varied and so numerous as to make it impracticable to enumerate. We believe that if the Commission should be required, as in items (i) and (ii) of subsection (a) of section 4 of the bills, to study all of the laws and regulations and the policies and practices of all the Federal departments and agencies administering lands reserved or withdrawn from the public domain insofar as they relate to the retention, management, and disposition of such lands and the surface and subsurface resources thereof, the study would become too complex and unwieldy and would embrace the activities of too many executive branches and congressional committees to be expected to reach its real objective.

We believe that this study should encompass what are generally known as the public land laws, including the mining and mineral leasing laws, the laws and authorities under which public lands are reserved and withdrawn or otherwise segregated from the public domain, and the manner in which these laws and authorities are executed. We, therefore, recommend that items (i) and (ii) of subsection (a) of section 4 be amended accordingly.

Many of the lands which are reserved or withdrawn from the public domain are administered for the same purpose and in conjunction with lands which have been acquired from non-Federal ownership by the administering agency. This combination of reserved or withdrawn public domain and acquired land often is managed and various resources thereof are permitted to be utilized under the same laws regardless of the source of the land. This is so in large measure as to the 186 million acres comprising the national forest system.

Therefore, if your committee should favor the study and review by the Commission of the laws, regulations, policies, and practices of the Federal agencies insofar as they relate to the management of the lands and the disposition of the renewable resources thereof after such lands have been reserved or withdrawn or otherwise dedicated to particular Federal management purposes, we would recommend that, insofar as this Department is concerned, those relating to acquired lands also be included. We believe that these would need to be treated and considered together.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., September 11, 1963.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on identical bills H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, and on House Joint Resolution 52, measures to establish commissions to study the public land laws.

The Commission proposed to be established by House Joint Resolution 52 would be limited in its investigation to the nonmineral public land laws administered by the Secretary of the Interior through the Bureau of Land Management. Without reference to other particulars of this joint resolution, it seems to this Department that a study of broader scope would be desirable at this time. It should be noted, incidentally, that section 5(e) of this measure specifies April 1, 1962, as the date by which the proposed Commission would be required to make its report.

With respect to H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, this Department agrees that a broad review of the land laws of the United States with a view to their modernization is needed. In general, these bills would provide the means for such a review. We have comments with respect to certain provisions of the bills, however.

The provision in section 3 of these bills for election of a Chairman by a majority vote of the appointed membership not only is extremely unusual but is, we believe, undesirable, and we would recommend that any bill enacted provide for appointment of the Chairman by the President.

The Department believes it would be desirable to vest the executive powers of the Commission in the Chairman, thereby enabling the other members to concentrate on the substantive work of the Commission. The following revisions would accomplish this objective:

Insert "Chairman of the" before the word "Commission" in line 5, page 5; line 16, page 5; line 15, page 7; line 4, page 8; and line 14, page 8.

Delete "Commission or its" from line 12, page 6.

We urge that section 9(d) of the bills, exempting certain service or employment thereunder from the provisions of the act of October 23, 1962 (76 Stat. 1119), the conflicts-of-interest statute, be deleted. It is our view that exemptions made in the 1962 statute with respect to special Government employees are adequate for the purposes of the present bills.

The Bureau of the Budget concurs in our report and recommendations, and has asked us to comment regarding several additional matters.

The Bureau believes that a 19-member commission would tend to be excessively large and somewhat cumbersome for a study effort of

the kind envisioned by this bill. An orderly study and evaluation of so complex a subject as the public land laws may be unduly hampered by an unnecessarily large executive body. It would recommend, therefore, that section 3 of the bill be changed to provide for four members each from the House and the Senate, the same number as were members of the Outdoor Recreation Resources Review Commission, and that the number of noncongressional members be reduced to five, including the Chairman. This would provide for a total Commission membership of 13.

The Bureau of the Budget would also recommend that section 3(d) be revised to read: "The Commission shall meet at the call of the Chairman"; and that section 3(f) be revised to read: "Commission members, including the Chairman if he is otherwise employed in the Federal service, shall receive no additional compensation by reason of membership on the Commission, but shall be entitled to reimbursement for travel and subsistence or per diem in accordance with the laws and regulations applicable to their usual employment. If the Chairman is from private life he shall be compensated at the rate of \$100 per diem when actually engaged on business of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently."

Also delete "fix the compensation of its Chairman and" from lines 6 and 7, page 8, of the bill.

The Bureau of the Budget further recommends that the limitation of \$4 million now included in section 9(a) of the bill be deleted. In view of the difficulty involved in predicting the cost of this type of study, and considering the time limitation for study completion provided elsewhere in the bill, the provision for total budgetary limitation is considered undesirable.

In recent years it has been customary to make the General Services Administration responsible for furnishing common services to temporary agencies of this kind. This arrangement gives the agency the benefit of an experienced administrative staff and, therefore, expedites the work of the agency. The Bureau of the Budget therefore recommends that the following language be included in the bill:

"Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided*, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *And provided further*, That the Commission shall not be required to prescribe such regulations."

The legal title of the office involved, "Administrator of General Services," should be used in lines 1 and 2, page 5, of the bills.

Sincerely yours,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., September 9, 1963.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
 House of Representatives,
 Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense on H.R. 8070, H.R. 8071, H.R. 8072, and H.R. 8073, identical bills for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

Section 1 of the bills sets forth the general policy that the public lands of the United States shall be retained, managed, and disposed of so as to provide the maximum benefit for the general public; section 2 states that because existing public land laws are not fully correlated a comprehensive review of these laws is necessary; section 3 establishes the Public Land Law Review Commission, and provides the procedure for the appointment of members and other administrative details relating to the function of the Commission; section 4 describes the various subjects to be considered by the Commission, and the contents of the report it shall submit; sections 5 through 7 provide for participation and assistance in the Commission's operations by departments of the Federal Government, State governments, and interested citizens' groups; section 8 sets forth the powers of the Commission; section 9 authorizes the appropriation of \$4 million to carry out the provisions of the act, and provides for the appointment of staff members; and section 10 provides a definition of the term "public lands."

The Department of Defense is fully in accord with the purpose of undertaking a comprehensive review of existing public land laws as is provided in the present legislation. The Department has, in fact, been working with other departments of the Federal Government in a similar study relating to all land laws. If the Congress believes that a review of this type can be more effectively accomplished by a statutory commission, the Department of Defense will interpose no objection. As the bills are presently worded, the definition of public lands in section 10 to include only those lands which are in the public domain would appear to exclude from the proposed study lands which have been acquired by purchase, donation, or condemnation; since even this limited definition will require a fairly extensive review of existing laws and practices, the limitation is believed to be desirable.

The enactment of this legislation will have no effect on the budgetary requirements of the Department of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

JOHN T. McNAUGHTON.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that H.R. 8070, as amended, be enacted.

88TH CONGRESS
2D SESSION

[Report No. 1444]

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to

1 be appointed by the Speaker of the House of Repre-
2 sentatives;

3 (iii) Six persons to be appointed by the President
4 of the United States from among persons who at the time
5 appointment is to be made hereunder are not, and within
6 a period of one year immediately preceding that time
7 have not been, officers or employees of the United States;
8 but, the foregoing or any other provision of law notwith-
9 standing, there may be appointed, under this paragraph,
10 any person who is retained, designated, appointed, or
11 employed by any instrumentality of the executive branch
12 of the Government or by any independent agency of the
13 United States to perform, with or without compensation,
14 temporary duties on either a full-time or intermittent
15 basis for not to exceed one hundred and thirty days dur-
16 ing any period of three hundred and sixty-five consecu-
17 tive days; and

18 (iv) One person, elected by majority vote of the
19 other eighteen, who shall be the Chairman of the Com-
20 mission.

21 (c) Any vacancy which may occur on the Commission
22 shall not affect its powers or functions but shall be filled in the
23 same manner in which the original appointment was made.

24 (d) The organization meeting of the Commission shall
25 be held at such time and place as may be specified in a call

1 issued jointly by the senior member appointed by the Presi-
2 dent of the Senate and the senior member appointed by the
3 Speaker of the House of Representatives.

4 (e) Ten members of the Commission shall constitute a
5 quorum, but a smaller number, as determined by the Com-
6 mission, may conduct hearings.

7 (f) Members of Congress who are members of the Com-
8 mission shall serve without compensation in addition to that
9 received for their services as Members of Congress; but they
10 shall be reimbursed for travel, subsistence, and other neces-
11 sary expenses incurred by them in the performance of the
12 duties vested in the Commission.

13 (g) The members appointed by the President shall each
14 receive \$50 per diem when engaged in the actual per-
15 formance of duties vested in the Commission, plus reimburse-
16 ment for travel, subsistence, and other necessary expenses
17 incurred by them in the performance of such duties.

18 DUTIES OF THE COMMISSION

19 SEC. 4. (a) The Commission shall (i) study existing
20 statutes and regulations governing the retention, manage-
21 ment, and disposition of the public lands; (ii) review the
22 policies and practices of the Federal agencies charged with
23 administrative jurisdiction over such lands insofar as such
24 policies and practices relate to the retention, management,

1 and disposition of those lands; (iii) compile data necessary
2 to understand and determine the various demands on the
3 public lands which now exist and which are likely to exist
4 within the foreseeable future; and (iv) recommend such
5 modifications in existing laws, regulations, policies, and
6 practices as will, in the judgment of the Commission, best
7 serve to carry out the policy set forth in section 1 of this
8 Act.

9 (b) The Commission shall, not later than ~~December~~
10 ~~31, 1967~~ *June 30, 1968*, submit to the President and the
11 Congress its final report. It shall cease to exist six months
12 after submission of said report or on ~~June 30, 1968~~ *December*
13 *31, 1968*, whichever is earlier. All records and papers of the
14 Commission shall thereupon be delivered to the Administra-
15 tor of General Services for deposit in the Archives of the
16 United States.

17 DEPARTMENTAL LIAISON OFFICERS

18 SEC. 5. The Chairman of the Commission shall request
19 the head of each Federal department or independent agency
20 which has an interest in or responsibility with respect to the
21 retention, management, or disposition of the public lands to
22 appoint, and the head of such department or agency shall
23 appoint, a liaison officer who shall work closely with the
24 Commission and its staff in matters pertaining to this Act.

1 ADVISORY COUNCIL

2 SEC. 6. (a) There is hereby established an Advisory
3 Council, which shall consist of the liaison officers appointed
4 under section 5 of this Act, together with 25 additional
5 members appointed by the Commission who shall be repre-
6 sentative of the various major citizens' groups interested in
7 problems relating to the retention, management, and disposi-
8 tion of the public lands, including the following: Organiza-
9 tions representative of State and local government, private
10 organizations working in the field of public land management
11 and outdoor recreation resources and opportunities, land-
12 owners, forestry interests, livestock interests, mining inter-
13 ests, oil and gas interests, commercial and sport fishing in-
14 terests, commercial outdoor recreation interests, industry,
15 education, labor, and public utilities. Any vacancy occurring
16 on the Advisory Council shall be filled in the same manner as
17 the original appointment.

18 (b) The Advisory Council shall advise and counsel the
19 Commission concerning matters within the jurisdiction of
20 the Commission.

21 (c) Members of the Advisory Council shall serve with-
22 out compensation, but shall be entitled to reimbursement for
23 actual travel and subsistence expenses incurred in attending
24 meetings of the Council called or approved by the Chairman

1 of the Commission or in carrying out duties assigned by the
2 Chairman.

3 (d) The Chairman of the Commission shall call an
4 organization meeting of the Advisory Council as soon as
5 practicable, a meeting of such council each six months there-
6 after, and a final meeting prior to approval of the final re-
7 port by the Commission.

8 GOVERNORS' REPRESENTATIVES

9 SEC. 7. The Chairman of the Commission shall invite the
10 Governor of each State to designate a representative to work
11 closely with the Commission and its staff and with the ad-
12 visory council in matters pertaining to this Act.

13 POWERS OF THE COMMISSION

14 SEC. 8. (a) The Commission or, on authorization of the
15 Commission, any committee of two or more members, at least
16 one of whom shall be of each major political party, may, for
17 the purpose of carrying out the provisions of this Act, hold
18 such hearings and sit and act at such times and places as
19 the Commission or such authorized committee may deem ad-
20 visable. Subpenas for the attendance and testimony of wit-
21 nesses or the production of written or other matter may be
22 issued only on the authority of the Commission and shall be
23 served by anyone designated by the Chairman of the
24 Commission.

1 The Commission shall not issue any subpoena for the at-
2 tendance and testimony of witnesses or for the production of
3 written or other matters which would require the presence of
4 the parties subpoenaed at a hearing to be held outside of the
5 State wherein the witness is found or resides or transacts
6 business.

7 A witness may submit material on a confidential basis
8 for the use of the Commission and, if so submitted, the Com-
9 mission shall not make the material public. The provisions
10 of sections 102-104, inclusive, of the Revised Statutes (2
11 U.S.C. 192-194) shall apply in case of any failure of any
12 witness to comply with any subpoena or testimony when
13 summoned under this section.

14 (b) The Commission is authorized to secure from any
15 department, agency, or individual instrumentality of the
16 executive branch of the Government any information it
17 deems necessary to carry out its functions under this Act and
18 each such department, agency, and instrumentality is author-
19 ized and directed to furnish such information to the Commis-
20 sion upon request made by the Chairman or the Vice Chair-
21 man when acting as Chairman.

22 (c) If the Commission requires of any witness or of
23 any governmental agency production of any materials which
24 have theretofore been submitted to a government agency on a
25 confidential basis, and the confidentiality of those materials is

1 protected by statute, the material so produced shall be held
2 confidential by the Commission.

3 APPROPRIATIONS, EXPENSES, AND PERSONNEL

4 SEC. 9. (a) There are hereby authorized to be appro-
5 priated such sums, but not more than \$4,000,000, as may be
6 necessary to carry out the provisions of this Act and such
7 moneys as may be appropriated shall be available to the
8 Commission until expended.

9 (b) The Commission is authorized, without regard to
10 the civil service laws and regulations and without regard
11 to the Classification Act of 1949, as amended, to fix the
12 compensation of its Chairman and appoint and fix the
13 compensation of its staff director, and such additional per-
14 sonnel as may be necessary to enable it to carry out its
15 functions except that any Federal employees subject to the
16 civil service laws and regulations who may be employed
17 by the Commission shall retain civil service status without
18 interruption or loss of status or privilege.

19 (c) The Commission is authorized to enter into con-
20 tracts or agreements for studies and surveys with public
21 and private organizations and, if necessary, to transfer funds
22 to Federal agencies from sums appropriated pursuant to
23 this Act to carry out such aspects of the review as the Com-
24 mission determines can best be carried out in that manner.

1 (d) Service of an individual as a member of the Ad-
2 visory Council, as the representative of a Governor, or em-
3 ployment by the Commission of an attorney or expert in
4 any job or professional field on a part-time or full-time basis
5 with or without compensation shall not be considered as
6 service or employment bringing such individuals within the
7 provisions of the Act of October 23, 1962 (76 Stat. 1119).

8 DEFINITION OF "PUBLIC LANDS"

9 SEC. 10. As used in this Act, the term "public lands"
10 includes (a) the public domain of the United States, (b)
11 reservations, other than Indian reservations, created from the
12 public domain, (c) lands permanently or temporarily with-
13 drawn, reserved, or withheld from private appropriation
14 and disposal under the public land laws, including the mining
15 laws, (d) outstanding interests of the United States in lands
16 patented, conveyed in fee or otherwise, under the public land
17 laws, (e) ~~national forests~~, and ~~(f)~~ *national forests*, (f) *wild-*
18 *life refuges and ranges*, and (g) the surface and subsurface
19 resources of all such lands, including the disposition or
20 restriction on disposition of the mineral resources in lands
21 defined by appropriate statute, treaty, or judicial determi-
22 nation as being under the control of the United States in
23 the Outer Continental Shelf.

Passed the House of Representatives March 10, 1964.

Attest:

RALPH R. ROBERTS,

Clerk.

[Report No. 1444]

AN ACT

For the establishment of a Public Land Law
Review Commission to study existing laws
and procedures relating to the administra-
tion of the public lands of the United States,
and for other purposes.

MARCH 11 (legislative day, MARCH 9), 1964

Read twice and referred to the Committee on Interior
and Insular Affairs

AUGUST 15, 1964

Reported with amendments

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official business Postage and fees paid
U. S. Department of Agriculture

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Sept. 4, 1964
For actions of Sept. 3, 1964
88th-2nd; No. 169

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HIGHLIGHTS: House passed Public Law 480 bill. Rep. Findley charged USDA "dumping" wheat on domestic market. Rep. Cohelan criticized cotton-wheat programs. Sen. Long, Mo., stated wheat program resulted in income increase for farmers. Senate passed bill to establish Public Land Law Review Commission.

SENATE

1. WILDLIFE; INSECTICIDES. Passed with amendment H. R. 4487, to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides. S. 1251, a similar bill previously passed as reported, was tabled. p. 20837
2. PERSONNEL. Received from the Deputy Attorney General a report, pursuant to S. Res. 332, on an investigation of the alleged solicitation of career employees by either political party to purchase tickets to political fund-raising dinners. p. 20828

3. FARM LABOR; APPALACHIA. Sen. Morton criticized Dr. Stafford Warren's proposal to send 35,000 depressed-area Kentuckians to California to replace bracero labor and inserted several articles critical of this proposal. pp. 20831-2
4. SOIL AND WATER CONSERVATION. Sen. Hruska paid tribute to Soil Conservation Service leaders in Nebraska and inserted his speech discussing the merits of the Water Resources Research Act of 1964 and the water resources planning bill. pp. 20837-9
5. HOUSING; ALASKA. Sen. Bartlett reviewed some of the major provisions of the Housing Act, relating them to his State, Alaska. pp. 20839-41
6. ELECTRIFICATION. Sen. Nelson inserted a review of Sen. Gruening's book, "The Public Pays and Still Pays," which states that the book is an "able, well-documented demonstration of the way private power, America's largest industry, seeks to discredit public power projects and Government direction of power facilities." pp. 20842-3
7. HOLIDAY. Sen. Dodd urged House passage of S. 108, to make Columbus Day a legal national holiday, and inserted testimony of John Ottaviano. pp. 20843-5
8. WHEAT. Sen. Long, Mo., defended the Administration and this department against criticism of the new wheat program, stating that his investigations of this matter showed that "instead of reducing farm income from wheat, as charged, the new program...in fact resulted in an actual increase in the 1964 income of wheat farmers." p. 20846
9. EDUCATION. Sen. Morse inserted an analysis of educational legislation enacted by the 88th Congress. pp. 20854-74
10. PUBLIC LAND LAW. Passed with amendment HR 8070, to establish a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands. pp. 20915-7
11. LEGISLATIVE ACCOMPLISHMENTS. Sen. Mansfield reviewed the legislative program and listed actions on major legislation. pp. 20917-18
12. ADJOURNMENT. Sen. Mansfield stated that the Senate would adjourn from Fri. to Tues., Sept. 8. p. 20914

HOUSE

13. PUBLIC LAW 480. By a vote of 349 to 6, passed with amendments H. R. 12298, to extend the Public Law 480 program for three years until Dec. 31, 1967 (pp. 20924-36, A4598-9). Agreed to an amendment by Rep. Cooley to substitute the language of H. R. 12298 as passed, for that of similar bill, S. 2687. H. R. 12298 was then tabled. (p. 20936). Conferees were appointed. (p. 20936)

Agreed to the following amendments:

By Rep. Findley, 183 to 175, to exclude from the benefits of title I programs any nation or area dominated or controlled by a Communist government or by the world Communist movement. pp. 20933-4

SEC. 5. This Act and the amendments made thereby shall not be administered in such a way as to discriminate against any foreign government on the basis of the race, color, or creed of any of its citizens.

And to amend the title so as to read: "An act to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia."

Mr. BIBLE. Mr. President, I move that the Senate disagree to the House amendments and ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to; and the Presiding Officer appointed Mr. McIntyre, Mr. Morse, and Mr. Ball conferees on the part of the Senate.

PUBLIC LAND LAW REVIEW COMMISSION

Mr. BIBLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1379 (H.R. 8070).

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 5, line 9, after the word "than", to strike out "December 31, 1967" and insert "June 30, 1963"; in line 12, after the word "on", to strike out "June 30, 1968" and insert "December 31, 1968"; and on page 10, line 17, after "(e)", to strike out "national forests, and (f)" and insert "national forests, (f) wildlife refuges and ranges, and (g)".

Mr. BIBLE. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I ask unanimous consent to modify the bill as amended by asking that the language on line 10, page 5, reading "June 30, 1968" be stricken and that in place thereof the date "December 31, 1968" be inserted; and further I ask to modify the bill as amended by asking that the language beginning in line 12, page 5, ending on line 13, page 5, reading "December 31, 1968", be stricken and that in lieu thereof there be inserted the date "June 30, 1969".

The PRESIDING OFFICER. Without objection, the bill will be so amended.

Mr. BIBLE. Mr. President, this is a

most worthy bit of legislation. It is legislation on which the distinguished Representative from Colorado, the Chairman of the House Interior Committee, WAYNE ASPINALL, has spent many hours in drafting a bill that will go a long way to updating the archaic land laws of this Nation.

Enactment of H.R. 8070 will permit a comprehensive review of the policies applicable to the use, management, and disposition of the public domain lands of the United States. The first public domain of the United States was created when the original 13 States ceded to the Federal Government lands westward to the Mississippi River as part of the compromises attendant upon the formation of the Union and the adoption of the Constitution.

The Constitution itself provides in article IV, section 3, clause 2:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

DISPOSAL POLICY

From the beginning, Congress followed a policy of disposing of the public lands. Land was plentiful; it was sold to raise revenue and at the same time it was used to pay our soldiers and to reward our heroes.

In the Homestead Act of 1862 and the mining laws of 1866 and 1872, along with several acts of that day of lesser applicability, the Congress adopted the policy of permitting the developers of land to obtain title thereto with little or no monetary payment to the United States. The land-grant college system was established on this principle. The United States entered an era that saw the West developed.

It has been commonplace for many years to say that the "good" agricultural lands have long since been settled; and that the "easily found" minerals have been discovered and developed. The inference of these truisms is that the public land laws must be examined to ascertain whether they serve the changed conditions.

The most recent public land law is the Taylor Grazing Act of June 28, 1934—48 Stat. 1269—which starts with the proclamation:

In order to promote the highest use of the public lands pending its final disposal * * *.

The Taylor Act provided for the establishment of grazing districts, for the use of grazing land, and for the classification of our vacant public lands before title could be transferred under any of the disposition laws. The 1934 act, aside from stabilizing the distressed cattle and sheep industries, may be considered to have been a holding action insofar as public land use is concerned. Congress, in recognition of the underlying policy that had been followed until that time, prefaced its grant of authority to the Secretary of the Interior by the statement quoted above regarding interim use of the public lands, "pending its final disposal." At the same time Congress recognized that the vacant public lands could no longer all be kept open for appropriation and settlement.

The one exception was the mining law. Locations and entries under the mining laws were specifically permitted without regard to the classification of the lands. Nonetheless, the Secretary of the Interior has withdrawn from the operation of the mining laws millions of acres of public lands without express statutory authority therefor.

It is also well to note at this time that the acquisition of the public domain, which had started in 1781 with State cessions, was completed in 1867 with the purchase of Alaska, with the last acquisition within the area now constituting the Southern 48 States having been accomplished in 1853. In other words, Alaska and the acquisition of land through exchange aside, there have been only reductions in the public lands for 110 years.

We should also take note at this time that in 1872 the Congress passed an act creating the Yellowstone National Park and thereby established the principle that some of our public lands should be set aside and retained for future generations. The act of March 3, 1891—26 Stat. 1103—authorized the President to reserve suitable lands as national forests.

Another landmark statute is the act of June 8, 1906—34 Stat. 225—which authorizes the President to set aside, as national monuments, lands containing objects of historic interest. In the meantime Congress, by individual acts, had established certain national parks and by the act of August 25, 1916—39 Stat. 535—established the National Park Service to administer the national parks and monuments.

Despite the fact that, statutorily, the policy of the United States envisions ultimate disposal of the public lands unless specifically directed otherwise by the Congress, President John F. Kennedy pointed up the gaps in existing law when he stated, in a letter to the chairman of this committee dated January 17, 1963:

My predecessors have been acutely aware of the dilemmas facing the Secretaries of Agriculture and Interior as principal administrators of the original public domain. Whenever they have been faced with a reasonable alternative of continued public ownership and management, or disposition, they have generally elected the former.

The committee does not mean to infer that the executive branch has not sought new legislation. Quite the contrary is true. Since the 80th Congress this committee has been engaged in a continuing study of proposed basic changes in the public land laws. Many of these proposed changes have been submitted by executive communication; others were initiated by individual members.

During the 88th Congress among the proposals submitted by the Secretary of the Interior are bills to, first, grant broad sales authority to the Secretary of the Interior; second, broaden the exchange authority of the Secretary of the Interior; and third, consolidate and simplify the laws governing the grant of easements across public lands.

DEFICIENCIES IN EXISTING PUBLIC LAND LAWS

The committee does not rely on the pendency of legislation as an indicator of deficiencies or inadequacies found in

existing statutes. The hearings conducted by this committee's Subcommittee on Public Lands demonstrated conclusively that there are several such deficiencies or inadequacies:

First. The principal difficulty is the failure of Congress to provide for the Secretary of the Interior legislative guidelines by which the executive department can make determinations between competing demands for the same piece of land. The fact of the matter is that, although there is no general statute permitting retention of lands, a Secretary of the Interior so oriented could, by failure to classify lands as suitable for disposition, provide for their retention. And the requirement of the Taylor Grazing Act that the public lands remain open to location and entry under the mining laws could likewise become meaningless through administrative determinations under the mining laws.

Second. Another situation examined by the subcommittee involved the termination of grazing permits granted under the Taylor Grazing Act. Because of the widespread demand for the use of public domain lands in our buildup for World War II, the act of July 9, 1942—56 Stat. 654—provided that whenever grazing permits were terminated because of defense utilization, the permittee or licensee would be paid for all his losses. However, there is no general law to permit similar payment of losses in situations where land is taken for other public use.

Third. The presence on the statute books of such acts as the Desert Land Entry Act invites people to spend time and money in an endeavor that may be foredoomed because of changed conditions or, in any event, the absolute discretion placed in the Secretary of the Interior to classify the lands as being suitable for such purpose before they can be opened to entry.

Fourth. Although many western communities cannot expand without utilizing public lands, there is no general authority on the statute books whereby lands can be made available for such purpose. Accordingly, it has been necessary for the committee to consider and act on individual bills authorizing the sale of land to individual communities. Similarly, there is no general authority whereby lands can be made available for necessary private development of residential, commercial, and industrial facilities.

Fifth. In 1926 Congress enacted the Recreation and Public Purposes Act to encourage local and State agencies and nonprofit private organizations to obtain public lands for recreational development. Nonetheless, many lands that should be developed for recreational purposes apparently cannot be transferred to non-Federal ownership. While the alternative would seem to indicate that the lands should be retained by the United States, there is no general statutory authority for the retention of public lands for Federal recreational development.

No purpose would be served by listing other acts and actions requiring review. The committee has concluded that only by reviewing all the public land laws can we hope to frame legislation that will satisfy the requirements of the 1960's.

EXTENT OF PUBLIC LANDS

Bureau of Land Management statistics indicate that there are approximately 438 million acres of public lands that have not been committed to specific use; of the total 271 million acres are in Alaska and 167 million acres are in the continental United States.

The so-called vacant public lands that have not been committed for a specific use either by statute or regulation pursuant to statute, while distributed among 28 States, are primarily concentrated in the 11 Western States comprising the 8 Mountain States and the 3 continental Pacific States. The eight Mountain States are Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada; the three Pacific States are Washington, Oregon, and California.

The impact of all public lands, whether committed or uncommitted, on the economy of these 11 Western States can be recognized readily when we consider the following pertinent facts:

First. Statistics compiled by General Services Administration in its inventory report on real property owned by the United States show that 48.1 percent of the total land area in the 11 Western States is owned by the Federal Government. The percentages range from 86.9 percent owned by the Federal Government in the State of Nevada to 29.5 percent in the State of Washington.

Second. The 11 States involved had, according to the latest available Statistical Abstract of the United States, a combined 1961 population of 28.1 million people.

Third. There have been definite trends toward an increase in population in the 11 western States mentioned above; it is estimated that the westward movement will continue, and that by 1970, 37 million people will live in the Mountain and Pacific States.

The committee submits the obvious conclusion that in these areas where the Federal Government is such a large owner it will be necessary to make more intensive use of the public lands in order to accommodate the increased population.

TEMPORARY COMMISSION REQUIRED

It is the considered opinion of the committee that the necessary comprehensive study required of the public land laws cannot be carried out successfully by this committee acting alone. The committee believes that due to the many and varied factors, considerations, and interests involved, only a bipartisan Commission supplemented by an advisory council made up of the many interested users of the public lands would be in a position to coordinate and supervise effectively such a broad study.

H.R. 8070, if enacted as amended, will establish such a bipartisan Commission to conduct a review of existing public land laws and regulations and recommend revisions necessary therein. The Commission and its staff would be assisted by liaison officers from Federal agencies with a direct interest.

H.R. 8070, as amended by the committee, provides the necessary framework for the study outlined above:

First. In a declaration of policy the bill presents the necessary guidelines for

the Commission declaring that public lands of the United States shall be—“(a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.”

The committee takes no position as to these alternatives, which shall be exclusively within the scope of recommendations to be made by the Commission.

Second. The declaration of purpose recognizes that the public land laws of the United States have not been fully correlated and that a comprehensive review is necessary to determine whether and to what extent revisions are necessary.

Third. The bill would establish a 19-member Commission composed of 6 members of the House Interior Committee, 6 members of the Senate Interior Committee, 6 members appointed by the President from persons outside of the Federal Government, and a Chairman elected by the first 18.

Fourth. The Commission would be charged with the responsibility of studying existing statutes and regulations governing public lands, of reviewing policies and practices of Federal agencies in the field, compiling data necessary for a determination and understanding of the various demands on the public lands which now exist and which are likely to exist in the future, and finally to recommend modifications deemed necessary in existing laws, regulations, policies, and practices.

Fifth. The Commission would be required to submit its report to the President and the Congress by June 30, 1968. It would cease to exist 6 months after submission of its report or by December 31, 1968, whichever is earlier.

Sixth. Each Federal agency concerned with public lands would appoint a liaison officer to work with the Commission and its staff.

Seventh. There would be established an advisory council consisting of the Federal agency liaison officers together with 25 additional members representing those interested in the use of the public lands. This advisory council would not be an independent body and would function only for the benefit of the Public Land Law Review Commission.

Eighth. Provision is made for a representative from each State to work closely with the Commission and its staff and with the advisory council.

Ninth. The Commission would be given limited subpoena power in order to enforce attendance of witnesses and the submission of required data.

Tenth. In authorizing appropriation of funds the committee has placed a limitation of \$4 million on the amount to be afforded the Commission during its life. The Commission would be authorized to appoint and fix compensation of its full-time Chairman and staff director; all members of the Commission, except the Chairman, would serve without compensation.

Eleventh. The term “public lands,” as used in the act, is defined in section 10 of H.R. 8070.

COST

H.R. 8070 authorizes maximum appropriations of \$4 million during the pro-

jected tenure of the Public Land Law Review Commission.

The bill was reported unanimously from the Committee on Interior and Insular Affairs. It had only three minor amendments.

I ask that the bill be passed.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AUTHORIZATION FOR COMMITTEE ON FOREIGN RELATIONS TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to file reports on bills until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PRESIDENT PRO TEMPORE AND ACTING PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President pro tempore or the Acting President pro tempore be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses during the adjournment of the Senate beginning September 4, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM HOUSE OF REPRESENTATIVES

Mr. MANSFIELD. Mr. President, I further ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that committees of the Senate be permitted to file reports during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE ACCOMPLISHMENTS

Mr. MANSFIELD. Mr. President, this week will go down in history as a mile-

stone in legislative progress. Since 1960, the Senate and the House have been attempting to enact a health care plan for the aged connected with our present social security benefits. This week the Senate made this attempt a realization. It was largely through the valiant efforts of Senators ANDERSON, GORE, DOUGLAS, RIBICOFF, McNAMARA, and JAVITS that the vote for the health care plan was successful. Senator Long of Louisiana did his usual outstanding job in handling the social security bill on the Senate floor during the absence of the distinguished chairman of the Senate Finance Committee. Senators ANDERSON and JAVITS have championed this legislation for so long, a vote of special thanks should go to them.

In addition, we sent to the President the land conservation fund together with a user fee provision which has been long advocated by many of our Presidents. Our special thanks to the entire membership and staff of the Senate Interior and Insular Affairs Committee who worked hard to make this dream a reality.

In addition, the Senate, through the fine efforts of Senator GRUENING, passed his bill to help the small independent oil and gas lessees and operators by liberalizing the requirements for timely payment of rentals on Federal oil and gas leases.

We also returned to the House a bill extending to July 1, 1965, the authority for the Army and Air Force to exceed present statutory ceilings for the authorized number of Reserve officers in each grade below lieutenant colonel, through the efforts of the distinguished chairman of the Senate Armed Services Committee, Senator BUSSELL, and the entire committee membership.

Thanks to the Finance Committee, we have returned to the House legislation amending the social security law to permit a disabled worker to establish the beginning of his disability as of the date he actually became disabled regardless of when he files his application, and also an extension of the foster care program for dependent children.

Special commendation is due Senators ERVIN, BIBLE, MORSE, HARTKE, and PROUTY for the expeditious handling of the mental health bill for the District of Columbia, which has been sent to the White House.

Through the expertise of Senator ROBERTSON, the Senate cleared for the President the bill requiring reports of changes in the control of federally insured banks.

The Senate just sent to the White House two more Senate Interior bills, one authorizing the establishment of our newest National Park, the first in almost 20 years, the Canyonlands National Park in Utah, and the second authorizing construction of the Lower Teton Division of the Teton Basin Reclamation project in Idaho, primarily through the efforts of Senators JACKSON, ANDERSON, CHURCH, MOSS, JORDAN of Idaho, KUCHEL, ALLOTT, and JORDAN of North Carolina.

In review of the 51 requests made by President Johnson since the first of the year, action has been completed on the

following major legislation, most of which have already been enacted into law:

Action Completed

1. Adult education.
2. AEC authorization.
3. Airport Act extension.
4. Alaska earthquake grants.
5. Alaska reconstruction.
6. Antipoverty.
7. Canyonlands.
8. Chamizal Convention Act.
9. Civil Rights Act of 1964.
10. Commission on Automation.
11. Cotton-wheat program.
12. Domestic Peace Corps.
13. Excise tax extension.
14. Federal pay reform.
15. Food Marketing Commission.
16. Food stamp plan.
17. Highway authorization.
18. Hill-Burton extension.
19. Housing Act, including an expansion of FNMA investing powers.
20. Inter-American Development Bank—increase U.S. share for Special Operations.
21. Interest equalization tax.
22. International Development Association.
23. Juvenile delinquency extension.
24. Land conservation fund including user fees.
25. Library services and construction.
26. Military construction.
27. Military pay increase.
28. Military procurement.
29. Mass Transit.
30. Nurses training program.
31. Ozark National Rivers.
32. Pacific Northwest Power.
33. Peace Corps authorization.
34. Pesticide registration.
35. President's Transition Act.
36. Public defenders.
37. Public health trainee program.
38. Reorganization Act extension.
39. SEC reforms.
40. Space authorization.
41. Tax reduction.
42. Vietnam resolution.
43. Water resources research.
44. Wilderness preservation.
45. Youth Employment Act.

In Conference

46. NDEA amendments.
 47. Coffee implementation.
- Passed Both Houses Amended
48. Social Security-Health Care.

Passed Senate

49. Area redevelopment amendments—House Calendar.
 50. Water Pollution—House Calendar.
- Senate and House Calendars
51. Aid to Appalachia.

All but one of the regular appropriation bills have been, or are about to be, signed into law. The one remaining is the Foreign Aid bill.

In addition, the Senate has ratified 14 treaties sent to it by the President.

A special accolade should go to the distinguished Senator from Louisiana [Mr. LONG], who handled the social security bill which passed this body earlier this afternoon; and to the distinguished Senator from Nevada [Mr. BIBLE] for the outstanding work he has done in the field of conservation, as testified to by the many bills passed through his subcommittee, agreed to by the full committee, and enacted into law as a result of action by the Senate and the House.

I would also give very special consideration to the distinguished chairman of the Finance Committee, our colleague and friend, the senior Senator from Virginia [Mr. BYRD].

We know the difficulties which have been his over the past week or so due to the passing of his beloved wife. We are also aware of the fact that he has never held up legislation, that he has always attended to his duties with great care and scrupulousness, that he is considerate of the attitude of others, and has done all he could, and done it successfully, to keep alive the traditions, the decorum, and the dignity of the Senate.

I wish also to include in my remarks the outstanding work and generalship displayed by the distinguished Senator from West Virginia [Mr. BYRD], who in the absence of the distinguished Senator from Alabama [Mr. HILL], who is recuperating from a minor illness, took upon himself the responsibility of handling the Labor-HEW appropriation bill.

Due to his successful efforts and also to those of the ranking minority member on the subcommittee, the Senator from New Hampshire [Mr. COTTON], that bill was passed several weeks ago, and a short time ago today the conference report on that bill was agreed to in the Senate. At this time the bill is on the way to the White House.

Much credit should go to those two Senators for their expert handling of this difficult bill and for the way in which they kept alive the work and tradition of the man who this year was not able to shepherd the bill through the Senate, as has been his custom for many years.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 3, 1964, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 935. An act to protect the constitutional rights of certain individuals who are mentally ill, to provide for their care, treatment, and hospitalization, and for other purposes;

S. 2082. An act to authorize the Secretary of the Interior to accept a transfer of certain lands within Everglades National Park, Dade County, Fla., for administration as a part of said park, and for other purposes; and

S.J. Res. 49. Joint resolution authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in New Mexico and Texas.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, under the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 41 minutes p.m.) the Senate adjourned, in accordance with the previous order, until tomorrow, Friday, September 4, 1964, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 3 (legislative day of September 1), 1964:

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Gordon E. Bentley, Morrilton, Ark., in place of A. J. Howard, retired.

CALIFORNIA

Robert P. Sanders, Fresno, Calif., in place of S. K. Wood, retired.

Ruth V. Grandier, Tecate, Calif., in place of M. G. Hutchinson, retired.

DELAWARE

Clifford W. Truitt, Dagsboro, Del., in place of F. E. Williams, retired.

FLORIDA

John E. Courier, Jr., Oviedo, Fla., in place of J. B. Jones, Jr., deceased.

INDIANA

Robert L. Lewis, Campbellsburg, Ind., in place of N. P. Lewis, retired.

Virgil P. Morris, Jr., New Ross, Ind., in place of E. A. Snow, retired.

Rex L. Tobias, Warren, Ind., in place of E. P. Smith, deceased.

KANSAS

Charles H. Sellers, Mulvane, Kans., in place of G. E. Smysor, retired.

KENTUCKY

Russell Gilbert, Irvin, Ky., in place of E. R. Smith, retired.

T. Johnson Price, Lancaster, Ky., in place of J. W. Walker, retired.

MARYLAND

Barbara B. Hanlon, Hydes, Md., in place of R. D. Sewell, retired.

MICHIGAN

Edward J. Meeder, Pottersville, Mich., in place of H. O. Fry, retired.

MINNESOTA

Maurice L. Anstadt, Glyndon, Minn., in place of I. S. Knauff, retired.

Ronald G. Haroldson, Hayward, Minn., in place of Clarence Wall, retired.

Dolores G. Kruger, Mendota, Minn., in place of C. T. Newhouse, retired.

John H. McCarthy, Saint Peter, Minn., in place of A. H. Anfang, retired.

Audrey G. Hoverson, Strathcona, Minn., in place of Thomas Hughes, retired.

MISSISSIPPI

Mary A. Skelton, Bellefontaine, Miss., in place of M. L. Embry, retired.

Ollie D. Whitfield, D'Lo, Miss., in place of I. F. Thompson, retired.

Dodd Fortenberry, Tylertown, Miss., in place of C. O. Anderson, retired.

Francis L. Scott, Utica, Miss., in place of J. L. Owens, retired.

NEW JERSEY

Theodore J. Hirst, Lincroft, N.J., in place of H. H. Seylaz, retired.

NEW MEXICO

Richard J. Pino, Albuquerque, N. Mex., in place of J. P. McFarland, deceased.

W. Walden Whipple, Kirtland, N. Mex., in place of R. N. Bond, retired.

NEW YORK

Orville B. Clark, Westons Mills, N.Y., in place of N. E. Kamery, retired.

OREGON

G. Lowell Fuller, Baker, Oreg., in place of Sanford Adler, retired.

PENNSYLVANIA

Ernest E. Roberts, Bechtelsville, Pa., in place of W. S. Scheiry, retired.

Phares C. Cramer, Conestoga, Pa., in place of E. C. Smith, retired.

William J. Malutich, Edinboro, Pa., in place of Allan Rye, retired.

J. Leslie Marsteller, Fredonia, Pa., in place of J. M. Hays, retired.

RHODE ISLAND

Lloyd A. Trehwella, Pascoag, R.I., in place of T. D. Goldrick, retired.

SOUTH CAROLINA

Luther H. Folk, Branchville, S.C., in place of C. W. Dukes, retired.

SOUTH DAKOTA

Harold A. Christianson, Volga, S. Dak., in place of Albert Christianson, retired.

TEXAS

Floyd R. Jones, Lueders, Tex., in place of L. E. Wilhite, retired.

Bobby G. Brock, Omaha, Tex., in place of J. E. Pate, retired.

Maynard A. Rowan, Jr., Rockport, Tex., in place of J. R. Simmons, transferred.

WASHINGTON

Fay Wyatt, Hamilton, Wash., in place of E. A. Davis, retired.

Florence I. Averill, McKenna, Wash., in place of Frances Kaufman, resigned.

Helen M. Karlson, Thorp, Wash., in place of Lillian Brain, retired.

WYOMING

Theodore E. Anderson, Greybull, Wyo., in place of O. O. Harvey, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 3 (legislative day of September 1), 1964:

IN THE DIPLOMATIC AND FOREIGN SERVICE

The nominations, beginning Byron B. Snyder to be a consul general, and ending Earl J. Wilson to be a secretary in the diplomatic service, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 31, 1964.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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Issued Sept. 8, 1964
For actions of Sept. 4, 1964
88th-2nd; No. 169

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HIGHLIGHTS: House concurred in Senate amendments to bill to provide for Public Land Law Review Commission. Ready for President. Rep. Findley criticized drop in farm parity ratio. House committee reported bill to establish Water Pollution Control Administration.

HOUSE

1. PUBLIC LANDS. Concurred in the Senate amendments to H. R. 8070, to provide for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of public lands. This bill will now be sent to the President. p. 20985

Concurred in certain of the Senate amendments, and adopted changes to other Senate amendments, to H. R. 5498, to authorize the Secretary of the Interior to sell limited tracts of public lands to meet rapidly increasing needs of local governments and private enterprise. pp. 20985-6

Concurred in the Senate amendments, with further amendments by the House, to H. R. 5159, to provide that certain lands administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services. p. 20986

2. WATER POLLUTION. The Public Works Committee reported with amendment S. 649, to provide for the establishment of a Federal Water Pollution Control Administration (H. Rept. 1885). p. 20991
3. FARM PARITY. Rep. Hoeven expressed alarm over the drop in the farm parity ratio, stating that during the Eisenhower administration the parity ratio averaged 84 percent whereas during the subsequent administrations the ratio has averaged 76 percent of parity. p. 20984
4. WHEAT. Rep. Findley charged that sales of CCC wheat was driving market prices down and inserted his letter to the President urging that such sales be stopped until wheat prices increase. p. 20989
5. COTTON. Received from GAO a report "on opportunity for reducing Federal expenditures and effecting savings under the cotton price-support program by deterring the movement of cotton over long distances prior to its placement under price support loan." p. 20991
6. POVERTY. Rep. Quie urged enactment of his resolution to provide for the creation of a select committee of Congress to study the administration of the new poverty legislation and stated that GAO investigations of administration of the area redevelopment program indicates the need for such a committee. pp. 20984-5
7. FARM LABOR. Rep. Teague inserted an editorial urging continuation of the Mexican farm labor program. pp. 20983-4
8. AREA REDEVELOPMENT. Rep. Aspinall commended the granting of the Area Redevelopment Administration loan for the establishment of a plywood plant in Montezuma County, Colo. pp. 20986-7
9. ADJOURNED until Tues., Sept. 8. p. 20991

SENATE

10. Met briefly, but conducted no business, and adjourned until Tues., Sept. 8. p. 20993

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able trends would surely prevent even worse malpractices from occurring.

GENERAL LEAVE TO EXTEND

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members, and specifically those from Massachusetts, have 5 legislative days in which to extend their remarks concerning the passing of Dr. Norman Welsh.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TO ESTABLISH A PUBLIC LAND LAW REVIEW COMMISSION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8070) for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 5, lines 9 and 10, strike out "December 31, 1967" and insert "December 31, 1968".

Page 5, line 12, strike out "June 30, 1968" and insert "June 30, 1969".

Page 10, line 16, strike out "national forests, and (f)" and insert "national forests, (f) wildlife refuges and ranges, and (g)".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I wonder if the chairman of the committee could advise whether this has been cleared with the minority on the committee?

Mr. ASPINALL. Mr. Speaker, if my friend the gentleman from Wisconsin will yield to me, I have three unanimous-consent requests. They have been cleared by the ranking member of the minority party of the House Committee on Interior and Insular Affairs. They have also been cleared by the floor leader of the minority party. They are technical and clarifying in extent and do not go to anything beyond the original intent of the bill. They are germane.

Mr. BYRNES of Wisconsin. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, I would like to take but a moment to make certain observations for the record in connection with the three bills on which the House has just acted, namely, H.R. 8070

for the establishment of a Public Land Law Review Commission, H.R. 5159 which will provide classification procedures during the period of the Commission study, and H.R. 5498, an act that will permit the sale of some public lands during this same period in which the Commission is making the study of all the public land laws.

Both the Senate and the House were in basic agreement in approaching this legislation and this is a good sign for the continued cooperation that must be given by all in order to make the work of the Public Land Law Review Commission effective. The two bodies did, however, suggest different approaches as an answer to the problem of assuring that, after they have left Federal Government ownership, public lands will be utilized for the purpose for which they were sold and developed in a suitable manner.

The House Committee on Interior and Insular Affairs has been mindful of the need that land use shall be in harmony with local development. We were reluctant, however, to place the Federal Government in a position where a local agency could dictate whether Federal public lands should or should not be sold. Nonetheless, we have all recognized that this is essentially a matter for local government and that local government agencies should assume the responsibility of providing for the proper development of lands in non-Federal ownership.

Inasmuch as H.R. 5498 is temporary in nature and its authority will, by the terms of the legislation, expire June 30, 1969, and inasmuch as the whole problem of the relationship between the Federal Government and State and local governments with respect to the use and development of Federal public lands is one of the major problems that must be studied by the Public Land Law Review Commission, we have suggested to the Senate a compromise in our amendment to H.R. 5498; at the same time we pose a challenge to local government agencies to assume their responsibilities to provide for proper use and development of public lands that are chiefly valuable for private residential, commercial, and industrial uses.

Our amendment provides that no sale shall be conducted of any public lands under this legislation until zoning regulations have been enacted by the appropriate local authority. The Senate amendment that we have agreed to takes the Secretary of the Interior, and therefore the Federal Government, out of the business of policing the use of land after it passes from Federal ownership by providing that, in transferring title, no restriction may be imposed to insure proper development of the lands after they have passed from Federal ownership.

The burden is now on the local communities to act affirmatively in establishing comprehensive zoning regulations where they do not already exist. These zoning regulations and other local ordinances should not only be concerned with the type of use to which land is put but they should also be concerned with the type of construction and the assurance of access through reasonable roads and streets, the availability of adequate

utilities, including water and sewerage, and to provide the usual municipal services including trash and garbage removal. The development of many western communities depends upon making public lands available for non-Federal use. Whether they will be offered for sale under this legislation is now squarely up to the communities themselves.

We expect that the Secretary of the Interior will exercise his discretion under this legislation to withhold from sale public lands where adequate zoning has not been adopted. It is not sufficient that a token zoning regulation be enacted; it is necessary that it be forceful and enforceable.

Finally, local communities should remember that during this interim period the Public Land Law Review Commission will be observing the ability of local government agencies to assume these responsibilities. Failure of local communities to act responsibly and constructively can only result in creating the impression that the Federal Government must retain control over public lands after they have passed from Federal ownership. None of us want this; we earnestly believe that once the Federal Government has transferred title to a tract of land it should have no further jurisdiction over that land. I join with my colleagues in the Senate in hoping that local agencies will demonstrate their ability to act without the Federal Government policing them.

I am gratified at the House action and look forward to a new era in the use of public lands.

TO PROVIDE TEMPORARY AUTHORITY FOR THE SALE OF CERTAIN PUBLIC LANDS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5498) to provide temporary authority for the sale of certain public lands, with Senate amendments thereto, and consider the same.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, do I understand from the gentleman from Colorado that the same general explanation that was made with respect to the previous bill applies to this bill?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. BYRNES of Wisconsin. And also that the gentleman has one more bill to which the same understanding applies?

Mr. ASPINALL. The gentleman is correct. They all have to do with the same subject matter, I might say, involving public lands.

Mr. BYRNES of Wisconsin. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Senate amendment No. 1: Page 1, line 10, after "commercial," insert: "agricultural,".

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 1 with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert: "agricultural (exclusive of lands chiefly valuable for grazing and raising forage crops),".

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 2: Page 2, line 15, strike out all after "development," down to and including line 18, and insert "Patents and other evidences of title shall not be issued under the authority of this Act until zoning regulations enacted by the appropriate local authority shall be in effect."

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 2 with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert: "No sale shall be conducted under the authority of this Act until zoning regulations have been enacted by the appropriate local authority."

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 3: Page 3, line 5, strike out all after "laws," down to and including line 11 and insert "Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary in the public interest, but no restriction to insure proper development of the land after they have passed from Federal ownership shall be imposed."

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 3.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 4: Page 4, after line 12, insert:

"SEC. 6. Ninety per centum of the proceeds from lands sold in the State of Alaska pursuant to this Act shall be transferred to the State of Alaska in consideration for which the State shall surrender its right to select an equal acreage of land pursuant to section 6(b) of the Alaska Statehood Act (72 Stat. 339)."

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 4.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 5: Page 4, line 13, strike out "6" and insert: "7".

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 5.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 6: Page 4, line 14, strike out "June 30, 1968," and insert: "December 31, 1968,".

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 6 with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert: "June 30, 1969,".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 7: Page 4, line 16, strike out "June 30, 1968" and insert "December 31, 1968,".

Mr. ASPINALL. Mr. Speaker, I move that the House concur in Senate amendment No. 7, with an amendment.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 7 with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert "June 30, 1969,".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 8: Page 4, line 17, strike out "June 30, 1968" and insert "December 31, 1968,".

Mr. ASPINALL. Mr. Speaker, I move that the House concur in Senate amendment No. 8 with an amendment.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 8 with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert: "June 30, 1969,".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

AUTHORIZING AND DIRECTING THAT CERTAIN LANDS EXCLUSIVELY ADMINISTERED BY THE SECRETARY OF THE INTERIOR BE CLASSIFIED

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5159) to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in or-

der to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services and for other purposes, with Senate amendments thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. ASPINALL]?

There was no objection.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Senate amendment No. 1: Page 2, line 7, after "commercial," insert "agricultural,".

Mr. ASPINALL. Mr. Speaker, I move that the House concur in Senate amendment No. 1 with an amendment.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 1 with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert: "agricultural (exclusive of lands chiefly valuable for grazing and raising forage crops),".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 2: Page 7, line 15, strike out "June 30, 1968" and insert "December 31, 1968,".

Mr. ASPINALL. Mr. Speaker, I move that the House concur in Senate amendment No. 2 with an amendment.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 2 with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert: "June 30, 1969,".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 3: Page 7, line 16, strike out "June 30, 1968" and insert "December 31, 1968,".

Mr. ASPINALL. Mr. Speaker, I move that the House concur in Senate amendment No. 3 with an amendment.

The Clerk read as follows:

Mr. ASPINALL moves that the House concur in Senate amendment No. 3 with an amendment as follows: In lieu of the matter inserted by the Senate amendment, insert: "June 30, 1969,".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

OPERATION PLYWOOD—ARA AND COMMUNITY INITIATIVE

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, in recent months, the area of Montezuma County, Colo., including the communities of Dolores and Cortez, have written a story of local initiative that should be brought to the attention of the entire Nation.



Public Law 88-606
88th Congress, H. R. 8070
September 19, 1964

An Act

78 STAT. 982.

For the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

Public Land
Law Review
Commission.
Establishment.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

Composition.

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to be appointed by the Speaker of the House of Representatives;

(iii) Six persons to be appointed by the President of the United States from among persons who at the time appointment is to be made hereunder are not, and within a period of one year immediately preceding that time have not been, officers or employees of the United States; but, the foregoing or any other provision of law notwithstanding, there may be appointed, under this paragraph, any person who is retained, designated, appointed, or employed by any instrumentality of the executive branch of the Government or by any independent agency of the United States to perform, with or without compensation, temporary duties on either a full-time or intermittent basis for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days; and

(iv) One person, elected by majority vote of the other eighteen, who shall be the Chairman of the Commission.

Chairman.

Vacancies.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Ten members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The members appointed by the President shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall (i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future; and (iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy set forth in section 1 of this Act.

Report to President and Congress.

(b) The Commission shall, not later than December 31, 1968, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report or on June 30, 1969, whichever is earlier. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

DEPARTMENTAL LIAISON OFFICERS

SEC. 5. The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public lands to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act.

ADVISORY COUNCIL

SEC. 6. (a) There is hereby established an Advisory Council, which shall consist of the liaison officers appointed under section 5 of this Act, together with 25 additional members appointed by the Commission who shall be representative of the various major citizens' groups interested in problems relating to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock

interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education, labor, and public utilities. Any vacancy occurring on the Advisory Council shall be filled in the same manner as the original appointment.

(b) The Advisory Council shall advise and counsel the Commission concerning matters within the jurisdiction of the Commission.

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

(d) The Chairman of the Commission shall call an organization meeting of the Advisory Council as soon as practicable, a meeting of such council each six months thereafter, and a final meeting prior to approval of the final report by the Commission.

GOVERNORS' REPRESENTATIVES

SEC. 7. The Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and its staff and with the advisory council in matters pertaining to this Act.

POWERS OF THE COMMISSION

SEC. 8. (a) The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matters which would require the presence of the parties subpoenaed at a hearing to be held outside of the State wherein the witness is found or resides or transacts business.

A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 102-104, inclusive, of the Revised Statutes (2 U.S.C. 192-194) shall apply in case of any failure of any witness to comply with any subpoena or testimony when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any governmental agency production of any materials which have theretofore been submitted to a government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held confidential by the Commission.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 9. (a) There are hereby authorized to be appropriated such sums, but not more than \$4,000,000, as may be necessary to carry out the provisions of this Act and such moneys as may be appropriated shall be available to the Commission until expended.

(b) The Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act of 1949, as amended, to fix the compensation of its Chairman and appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions except that any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this Act to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

DEFINITION OF "PUBLIC LANDS"

SEC. 10. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, (f) wildlife refuges and ranges, and (g) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Approved September 19, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1008 (Comm. on Interior & Insular Affairs).
 SENATE REPORT No. 1444 (Comm. on Interior & Insular Affairs).
 CONGRESSIONAL RECORD, Vol. 110 (1964):
 Mar. 10: Considered and passed House.
 Sept. 3: Considered and passed Senate, amended.
 Sept. 4: House agreed to Senate amendments.